

Exhibit B. Proposed Amendments for Ordinance 21-193-04

AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REDUCE THE NOTIFICATION PERIOD FOR TYPE IV PROCEDURES FROM 45 TO 35 DAYS AND CLARIFYING OTHER PROVISIONS FOR COMPLIANCE WITH STATE LAW; AND AMENDING THE JOHN DAY COMPREHENSIVE PLAN TO REDUCE THE DLCD NOTIFICATION PERIOD FOR COMPREHENSIVE PLAN AMENDMENTS FROM 45 TO 35 DAYS. (TYPE IV PROCEDURE)

- Strikeout language (**example**) is shown where language is proposed for removal
- Double Underlined language shows a proposed addition

COMPREHENSIVE PLAN AMENDMENTS

Following receipt of recommendations from the Planning Commission, if the City Council determines that proposed amendments should be considered, amendment of the Comprehensive Plan shall be based on the following procedure and requirements.

1. Notice to DLCD ~~45~~ 35 days prior to the first public hearing on the issue.
2. The City shall set a public hearing date and publish public notice through a newspaper of general circulation in the City at least ten (10) days prior to the hearing.
3. Copies of proposed amendments shall be made available for review at least ten (10) days prior to the Planning Commission meeting.
4. Within ten (10) days after the close of the public hearing. The Planning Commission shall make findings of fact and recommend to the City Council adoption, revision or denial of the proposed amendments.
5. A public hearing, together with public notice as outlined above, shall be conducted by the City Council to review the Planning Commission recommendation and take additional public testimony. As applicable, such hearing shall be conducted jointly with the County.
6. Copies of proposed amendments and the Planning Commission recommendation shall be made available for review at least ten (10) days prior to the City Council or joint City-County hearing.
7. Within ten (10) days after the close of the public hearing, the city Council (and County Court as applicable) shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments. Adoption of Plan amendments is effective upon:
 - A. City adoption in the case of amendments of the Plan Map for the area within the City Limits (with notice to parties who submitted oral or written comments);
 - B. City and County adoption in the case of amendment of Plan policies or the Plan Map for the urban growth area (with notice to parties who submitted oral or written comments); or
 - C. Notice of adoption sent to DLCD and no appeal has been filed with LUBA within twenty-one (21) days.

DEVELOPMENT CODE AMENDMENTS

5-4.1.050 Type IV Procedure (Quasi-Judicial/Legislative)

A. Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the City of John Day. The requirements and procedures for a pre-application conference are described in Section 5-4.1.060. C.

B. Timing of Requests. The City may establish a schedule for when it will accept legislative code amendment or plan amendment requests. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

C. Application Requirements.

1. Application forms. Type IV applications shall be made on forms provided by the city Planning Official.
2. Submittal Information. The application shall contain:
 - a. The information requested on the applicable form;
 - b. A map and/or plan if the proposed amendment is a map amendment; addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; ~~and~~
 - d. An analysis of the Transportation Planning Rule as required by OAR 660-012; and
 - e. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

D. Notice of Hearing.

1. Required hearings. A minimum of two (2) hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:
 - a. For quasi-judicial applications that affect a specific property (or properties), such as a proposed map amendment, aAt least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan map or any element thereof, or to adopt an ordinance for any Land Use District Map Change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan map amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan map amendment);
 - (2) Any affected governmental agency;
 - (3) Any person who requests notice in writing;
 - (4) For a zone map change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
 - (5) Owners of airports shall be notified of a proposed zone map change in accordance with ORS 227.175.

- b. For legislative items, such as Comprehensive Plan text amendments or Development Code text amendments, at ~~At~~ least ten (10) days before the scheduled Planning Commission public hearing date, and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
- c. The City Planning Official shall:
 - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified electronically or in writing of proposed comprehensive plan and development code amendments at least ~~forty-five (45)~~ thirty-five (35) days before the first public hearing at which public testimony or new evidence will be received. ~~The notice to DLCD shall include a DLCD Certificate of Mailing.~~
- e. Notifications for annexation shall follow the provisions of this Chapter.