

**ORDINANCE NO. 22-201-12**

**AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO ALLOW FOR RESIDENTIAL USES (HOUSEHOLD LIVING AND GROUP LIVING) SUBJECT TO A CONDITIONAL USE PERMIT ISSUED BY THE PLANNING COMMISSION THROUGH A TYPE III (QUASI-JUDICIAL) REVIEW (AMD-22-02) TYPE IV PROCEDURE**

WHEREAS, the City of John Day “City”) adopted the John Day Development Code (the “Code) to regulate land use and development within the City within the framework of the John Day Comprehensive Plan; and

WHEREAS, the Code currently allows mixed-use development only in Light Industrial zones; and

WHEREAS, the City determined that changing market conditions and the increased demand for workforce housing in close proximity to workplaces makes amending the code necessary; and

WHEREAS, the John Day Planning Commission, in a public hearing on July 21, 2022, recommended that the City Council adopt the proposed code amendments; and

WHEREAS, the City Council has reviewed all evidence and testimony submitted on the matter;

NOW, THEREFORE, the City of John Day ordains as follows:

1. The findings contained in the recitals and those found in the staff report delivered at the July 21 2022 public hearing before the Planning Commission, attached hereto as Exhibit A are hereby adopted and incorporated herein by reference.
2. The Amendments to the Development Code contained in the attached Exhibit B are hereby adopted.

This Ordinance was PASSED by the City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the Mayor on this \_\_\_ day of August, 2022.

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Ron Lundbom, Mayor

ATTEST:

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Corum Ketchum, Interim City Manager (Pro Tem)

Exhibit A.  
Staff Report  
[enclosed]

DRAFT

Exhibit B.

Code Amendments

Additions in underline

Deletions in ~~strikethrough~~

DRAFT

**SECTION 1:            AMENDMENT** “5-2.4.010 Industrial Districts - Purpose” of the City of John Day Development Code is hereby *amended* as follows:

AMENDMENT

5-2.4.010 Industrial Districts - Purpose

Chapter 5-2.4 accommodates a range of industrial and commercial land uses in three Industrial Districts, Light Industrial (LI), General Industrial (GI), and Airport Industrial Park (AIP). The districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The AIP district is also intended to provide for compatible land use adjacent to Ogilvie Field, and provide for economic development consistent with Oregon’s Certified Industrial Lands program. The GI district is intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. Chapter 5-2.4 guides the orderly development of industrial areas based on the following objectives:

- A. Provide for efficient use of land and public services;
- B. Provide appropriately zoned land with a range of parcel sizes for industry;
- C. Provide transportation options for employees and customers;
- D. Locate business services close to major employment centers;
- E. Ensure compatibility between industrial uses and nearby commercial, airport, and residential areas;
- F. Provide appropriate design standards to accommodate a range of industrial users;
- G. Provide attractive locations for business to locate; and
- H. Accommodate mixed-use development of ~~light~~ industrial areas.

**SECTION 2:            AMENDMENT** “5-2.4.020 Industrial Districts - Allowed Land Uses” of the City of John Day Development Code is hereby *amended* as follows:

AMENDMENT

5-2.4.020 Industrial Districts - Allowed Land Uses

Table 5-2.4.020 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter [5-1.3](#).

<b>Table 5-2.4.020 – Land Uses Allowed in Industrial Districts</b>	
<b>Uses</b>	<b>Status of Use in District</b>

<b>Use Categories</b> (Examples of uses are in <a href="#">Chapter 5-1.3</a> ; definitions are in <a href="#">Chapter 5-6.1.</a> )	<b>General Industrial (GI)</b>	<b>Light Industrial (LI)</b>	<b>Airport Industrial Park (AIP)</b>
<b>Residential Categories</b>			
<b>Household Living</b>			
Residential Uses (Household Living and Group Living) allowed, if:			
- Lawfully existing as of November 24, 2005	P	P	N
- New dwelling built in conjunction with a permitted commercial or industrial use ( <del>residential use is allowed above ground floor only</del> )	<del>N</del> CU	P	<del>N</del> CU/S
- Manufactured dwelling on an individual lot, subject to Section <a href="#">5-2.2.100F</a> .	N	N	N
- Manufactured dwelling park	N	N	N
<i>Group Living Uses, if allowed above, shall conform to the provisions in <a href="#">Section 5-2.2.100D</a>.</i>			
<b>Commercial Categories</b>			
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per <a href="#">Section 5-2.3.100A</a> for uses in LI District	P	S	N except "P" when accessory to a industrial use
Short-Term Vacation Rental	N	N	N
Educational Services, not a school (e.g., tutoring or similar services)	N	CU	N
Entertainment, Major Event	N	CU	N
Offices	P	P	P
Outdoor Recreation, Commercial	N	CU	N
Parking Lot (when not an accessory use)	CU	CU	N
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up Uses,			

Section <a href="#">5.2.3.100A</a> )	P	S	N
Retail Sales and Commercial Service,			
- less than 10,000 square feet floor area	CU	P	N
- greater than 10,000 square feet floor area, per <a href="#">Section 5-2.4.050</a>	N	N	N
Self-Service Storage	P	CU	N
<b>Industrial Categories</b>			
Industrial Service (See also Drive-Up Uses)			
- fully enclosed (e.g., office)	P	P	P
- not enclosed	P	CU	P
Marijuana Testing Laboratory per <a href="#">Section 5-2.4.070</a> per <a href="#">Section 5-2.4.070</a> , if applicable per <a href="#">Section 5-2.4.070</a>	S	S	S
Manufacturing and Production			
- fully enclosed	P	P	P
- not enclosed	P	CU	P
-Agricultural Processing	S	S	S
-Marijuana Processing Facility	CU/S	CU/S	CU/S
-Marijuana Production Facility	CU/S	CU/S	CU/S
-Industrial Hemp Production	S	S	S
Warehouse and Freight Movement	P	CU	P
Waste-Related	CU	N	N
Wholesale Sales, per <a href="#">Section 5-2.4.070</a> per <a href="#">Section 5-2.4.050</a>			
- fully enclosed	P	P	N except “P” when accessory to a industrial use
- not enclosed	P	CU	
-Marijuana Wholesaler	S	S	S

<b>Institutional Categories</b>			
Basic Utilities	P	P	N except "P" for utilities required to serve AIP district
Community Service, except as otherwise allowed by Public Facilities Overlay zone	N except "P" for public safety facilities	N except "P" for public safety facilities	N except "P" for public facilities
Daycare	N	N	N
Parks and Open Space, except open space areas are permitted by right when accessory to a primary permitted use	CU	CU	CU
Religious Institutions and Houses of Worship	N	CU	N
Schools, except education uses are permitted by right when accessory to a primary permitted use (e.g., flight instruction at airport, or vocational instruction in conjunction with industrial use)	N	CU	N
<b>Other Categories</b>			
Accessory Structures (with a permitted use)	P	P	P
Agriculture – Animals, when			
- existing use as of November 24, 2005	P	P	Not applicable
- accessory to a permitted industrial use	P	N	P
- new use	N	N	N
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	S	S	S

per <a href="#">Section 5-2.4.070</a> , when applicable			
Buildings and Structures Exceeding the Height Limits in <a href="#">Section 5-2.4.060</a>	CU	CU	N Except as required per Ogilvie Field Airport Master Plan
Mining	CU	N	N
Radio Frequency Transmission Facilities			
- within height limit of district	P	P	N
- exceeds height limit (free-standing or building-mounted facilities)	CU	CU	except "P" in conjunction with airport operations
Rail Lines and Utility Corridors, except those existing prior to November 24, 2005 are allowed.	CU	CU	P
Temporary Uses (limited to "P" and "CU" uses), per <a href="#">Section 5-4.9.010</a> .	P/CU	P/CU	P/CU
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	P	P	P

**Key:**

P = Permitted, subject to site/development review

S = Permitted with standards (See cross-reference)

CU = Conditional Use permit required ([Chapter 5-4.4](#))

N = Not permitted

CU/S = Conditional use with standards ([5-2.4.070](#))



### **5-2.4.070 Industrial Districts - Special Use Standards**

Section 5-2.4.070 supplements the standards contained in Sections 5-2.4.020 through 5-2.4.060. It provides standards for the following land uses to control the scale and compatibility of those uses:

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#### **C. Residential Use Standards in AIP Zone.**

1. Residential Uses shall not be allowed in the Primary Surface, Transitional Surface, or Runway Protection Zone.
2. Residential Uses may be allowed under a Conditional Use Permit in the Horizontal Surface, Conical Surface, or Approach Surface, subject to compatibility criteria. Consult Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas (January 2003) and follow notice criteria in Section 5-2.5-060 prior to issuing a Conditional Use Permit approval.

### **5-2.5.060 Procedures**

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.
2. A site plan drawn to scale including the location and elevation of the building site, all existing and proposed structures, measured in feet above mean sea level.
3. If a Conditional Use Permit or Variance is requested for increased structure height or residential dwelling, letters of support from the airport sponsor, the Department of Aviation and the FAA unless the at-grade elevation of the structure's footprint is such that the proposed maximum structure height is lower than the elevation of any runway surface at Ogilvie Field.
4. Development of land near or adjacent to Grant County Regional Airport / Ogilvie Field may be required to undergo aeronautical evaluations by the FAA and ODAV, if required under FAR Part 77.9 and OAR 738-070-0060. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. Notice is to be provided in the form of FAA Form 7460-1, Notice of Proposed Construction or Alteration. The applicant must receive the resultant aeronautical determination letters from the FAA and ODAV prior to the approval of any building permits.

### **5-2.5.070 Land Use Compatibility Requirements**

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein. [ORS 836.619; OAR 660-013-0080]

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H. Structures, Trees, and Landscaping. The height of any new structures, trees, or planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.