



CITY COUNCIL/PLANNING JOINT WORKSHOP & REGULAR MEETING AGENDA

Tuesday August 11, 2026

COUNCIL/PLANNING COMMISSION JOINT MEETING: 5:00 p.m.

REGULAR CITY COUNCIL MEETING: 6:30 pm

John Day Fire Station

316 S Canyon Blvd, John Day, OR 97845

(541)575-0028 www.cityofjohnday.com

This meeting is open to the public. This agenda includes a list of the principal subjects anticipated to be considered at the meeting. However, the agenda does not limit the ability of the Council to consider additional subjects. Meetings may be canceled without notice. Zoom Meeting participants should use the "raise your hand" feature during these times to alert the moderator that they would like to speak.

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<https://zoom.us/j/95321822663?pwd=MmPSrbq6skunLMZ9boJNf4Y4kUbdal.1>

Meeting ID: 953 2182 2663

Passcode: 823687

Call to Order: Joint City Council and Planning Commission Meeting: 5:00 p.m.

The City Council and Planning Commission will meet in a joint workshop meeting to review the Development Code Audit by Cascadia Partners. The audit and update are required and paid by a grant from the State Housing and Accountability Production Office (HAPO). The Project will result in updates to the code to comply with state statutes related to housing.

Call to Order: Regular John Day Council Meeting 6:30 pm.

1. Call John Day City Council Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Amend or Accept Regular Agenda
5. Public Comments (*Please Limit to 3 Minutes*)

Public Comments are an opportunity to present information or speak on an issue that is not on the agenda. Comments are limited to 3 minutes for each person. Visitors may state their comments and should not expect the council to engage in back and forth dialogue regarding the comment, council may either choose to add it to a follow up meeting or direct City Manager to follow up with the speaker.

6. Consent Agenda –

All matters listed within the Consent Agenda have been distributed to every member of the City Council for reading and study, are considered routine, and will be enacted by one motion of the Council. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

- a. Minutes of CC Mtg July 28, 2026
- b. AP through August 3, 2026

7. Discussion and potential appointment to fill vacant council seat.

Other Business:

8. City Manager Comments:

9. Mayor and Council Comments:

10. Adjournment: Next regularly scheduled meeting is August 25, 2026

All City Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City 48 hours prior to the meeting time to request the necessary accommodations 541-575-0028



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John Day Development Code Audit Memo

Prepared for the City of John Day, Oregon

by Cascadia Partners

August 3, 2026

Table of Contents

Introduction

Project Overview

Code Audit Overview

1. Statutory Compliance Audit Overview
2. Clear and Objective Audit Overview
3. Comprehensive Plan Audit Overview
4. Master Planned Development Audit Overview

Code Audit Findings

Audit Organization

1. Statutory Compliance Audit

Background

Findings

2. Clear and Objective Standards and Procedures Audit

Background

Findings

3. Comprehensive Plan Audit

Background

Findings

4. Master Planned Development Audit

Background

Findings

Appendix A: Statutory Code Audit Detailed Findings

Appendix B: Clear and Objective Code Audit Detailed Findings

Appendix C: Master Planned Development Audit Detailed Findings

Introduction

Project Overview

The City of John Day is working with Cascadia Partners (CP) to review and update the John Day Development Code. The project will result in updates to the code to comply with state statutes related to housing and ensure there is a clear and objective pathway for housing development. This project began in late March 2026 and is planned to be complete in Spring of 2027.

Code Audit Overview

As part of the John Day Conforming Development Code Update project, CP audited all relevant portions of the current John Day Development Code (JDDC) and Comprehensive Plan to identify updates needed to:

1. Address compliance with state housing regulations (Statutory Compliance);
2. Ensure standards and procedures provide a clear and objective path for housing development (Clear and Objective);
3. Ensure the Comprehensive Plan is consistent with any needed JDDC policy updates identified in the above audits (Comprehensive Plan); and
4. Identify any updates needed to the Master Plan Development standards and procedures to ensure their clear and consistent application (Master Plan).

A high level summary of key findings from each of these four audit components is provided below, as well as a detailed audit of the Master Plan Development standards and procedures that were part of the HAPO compliant. More detailed findings and recommended approaches to resolve the identified issues are presented for consideration in the following sections of the report and its appendices. The findings from this audit will be used to identify updates to the JDDC and Comprehensive Plan needed to support housing development that meets the community's needs.

1. Statutory Compliance Audit Overview

The JDDC was reviewed for compliance with 20 state statutes related to housing development. The code was found to be fully in compliance with two of these statutes, partially compliant with 8 statutes, and not in compliance with 7 statutes. Three additional statutes are not required to be codified but are recommended for clarity to do so. Finally, there are two statutes where codification is identified as not applicable.

Table 1. Statutory Compliance Status

Citation	Requirement	Status
Procedural Requirements		
ORS 197.195 / 197.015	Limited Land Use Decisions	Partially Complies
ORS 197A.140-146	Expedited Land Divisions	Partially Complies
ORS 197A.400	Clear and Objective Approval Criteria Required	Partially Complies
ORS 197A.402	Local Approval of Land Division or Construction of Housing	Partially Complies
ORS 227.175	Application for Permit or Zone Change	Does Not Comply
ORS 227.178	Deadlines for Completeness Determination and Final Action on Applications	Partially Complies
ORS 197A.395 §38-41 (temporary)	Mandatory Adjustments (SB 1537)	Codification Not Applicable
General Housing Provisions		
Occupancy		
ORS 90.112	Occupancy Limit Based on Familial Relationship	Does Not Comply
Specific Housing Types		
ORS 197A.430	Single Room Occupancies (SRO)	Does Not Comply
ORS 197A.432	Siting of Manufactured Home or Prefabricated Structure	Does Not Comply
ORS 197A.434-436	Manufactured Home Parks	Partially Complies
ORS 92.835-845	Manufactured Home Park Subdivisions	Codification Recommended
ORS 197.493	Occupancy of Recreational Vehicles (RV)	Partially Complies
ORS 197.660-670	Residential Homes and Facilities	Partially Complies
ORS 197.746	Transitional Housing Accommodations	Codification Not Applicable
ORS 197A.449	Hotel/Motel Conversion	Codification Recommended

Citation	Requirement	Status
ORS 197.783	Emergency Shelter Siting	Codification Recommended
Affordable Housing		
ORS 197A.445(1–8)	Affordable Housing Allowed Outright; Commercial Conversion	Does Not Comply
ORS 197A.445(9–10)	Affordable Housing Density and Height Bonus	Does Not Comply
ORS 197A.460	Residential Use of Commercial Lands for Affordable Housing	Does Not Comply

2. Clear and Objective Audit Overview

The audit identified roughly 60 instances where provisions of the JDDC do not comply with State rules regarding clear and objective procedures and standards (ORS 197A.400). These fall into five main patterns:

- **Many standards delegate authority to staff without direction.** Provisions throughout Chapter 5-3.4 governing public facilities, including transportation, utilities, easements, storm drainage, and installation requirements, grant the Public Works Director or a general "City" authority discretion to determine requirements, timing, and acceptable outcomes with no criteria specifying when or how that discretion is to be exercised.
- **Standards contain subjective or undefined terminology.** Standards in Sections 5-2.2.100 and 5-2.3.080 governing residential special uses and commercial architectural design rely on terms such as "compatible," "similar or superior," "appropriate," "adequate," and "sufficient" that require aesthetic or qualitative judgment to apply. Two reviewers reading the same standard could reach different conclusions about whether a given application complies.
- **Provisions require balancing without measurable thresholds.** Standards in Sections 5-4.2.060 and 5-4.3.020 require that impacts be "avoided" or "minimized" and that land divisions provide "adequate" drainage and utilities, without defining the threshold at which compliance is achieved.
- **Standards incorporate external references that may not be clear and objective.** Section 5-2.6.020 incorporates a 1975 geologic hazard report by reference to determine whether overlay zone requirements apply, and the Innovation Gateway Overlay references the John Day Innovation Gateway Plan. Any referenced plan or document is required, itself, to also be clear and objective.
- **Manufactured Home Parks have no clear and objective approval pathway.** Manufactured home parks are required to obtain a Conditional Use Permit in the RL and RC zones, with no administrative alternative pathway available. State law requires that there

always be a path to housing approval based on clear and objective standards, and a conditional-use-only track does not satisfy that requirement.

3. Comprehensive Plan Audit Overview

The Comprehensive Plan was reviewed to identify any potential policy conflicts that may occur when updating the JDDC to resolve issues identified in the Statutory Compliance and Clear and Objective Audits. Overall, the Comprehensive Plan requires several updates to comply with state housing-related statutes and to remain consistent with the JDDC. Most of these updates are needed for state-law compliance, except a need to reconcile residential zoning districts in the Comprehensive Plan with the JDDC, which is recommended to be addressed in a separate project. Key sections with needed updates include:

- **Reconcile residential zoning districts (recommend a separate project).** The Plan's R-7 and R-10 zones do not match the code's RL, RG, and RC zones. Because these references are tied to the 2002 Buildable Lands Inventory, it is recommended to reconcile them in a separate project; the one removable reference (p. 59) can be addressed in this project.
- **Expand Housing Types in Housing Policy 1.** Add the housing types now required by state law to the policy's list.
- **Update ORS Reference in Housing Policy 2.** Update the outdated ORS 197.295 reference for needed housing to current statute, which is ORS 197A.018.
- **Update locational criteria in Housing Policy 8.** Revise locational criteria that conflict with state law, which requires manufactured dwelling parks to be allowed in residential zones requiring densities between 6 to 12 units per acre, and does not permit siting tied to proximity to particular uses.

4. Master Plan Development Audit Overview

The City's Master Planned Development (MPD) standards in JDDC Section 5-4.5.030 were reviewed to ensure their clear and consistent application. This review was prompted by a complaint filed by a developer against the City with the state's Housing Accountability and Production Office (HAPO) in August 2025 regarding a Master Plan Development project in John Day. The audit identified possible gaps or lacks of clarity in the MPD approval process that contributed to the issues raised in the HAPO complaint. Amendments are recommended to operationalize the obligation currently established in 5-4.5.070(A,) that MPD-approved modifications of Article 2 and 3 requirements govern subsequent reviews. Clarification of how this obligation carries through in reviews subsequent to the initial MPD approval is needed. A detailed analysis of the related MPD and JDDC provisions and recommended amendments is provided in Appendix C.

Code Audit Findings

Audit Organization

The following sections provide the City with a concise summary of the findings from the two components of the audit addressing:

1. Compliance with state housing regulations (ORS Chapters 92, 197, 197A, and 227, and OAR 660-046); and
2. Ensuring standards and procedures provide a clear and objective path for housing development (ORS 197A.400).

The findings for each component of the Code Audit summarize the relevant state statute(s) and categorize the audit findings. More detailed findings for each audit component can be found in the appendices.

1. Statutory Compliance Audit

Background

As part of the code audit, CP did an extensive review of the JDDC against 20 state statutes and ORS 660-46 to identify where the code is not in compliance with applicable state housing regulations.

Findings

The statutory compliance audit findings are summarized in Table 2 below, and more detailed background and findings for each statute can be found in Appendix A. Findings for individual statutes are grouped by housing policy topics, and each statute is classified by its level of compliance as follows:

- **Green (Complies):** The code is in compliance with state statute
- **Yellow (Partially Complies):** The code partially complies with state statute. For instance, the code may allow a certain housing type, but the code does not include the required standards associated with that housing type.
- **Red (Does Not Comply):** The code is out of compliance with state statute.
- **Blue (Codification recommended):** The state statute is not required to be codified, but it is recommended for clarity.
- **Grey (Codification Not Applicable):** The statute is permissive or optional or does not apply to John Day at its current population or location.

Table 2. Statutes, Requirements, and Findings

State Statute	Findings
Procedural Requirements	
ORS 197.195 and 197.015: Limited Land Use Decisions The City must follow specific noticing, comment, and written findings procedures when making limited land use decisions on tentative subdivision approvals, site design review, replats, property line adjustments, and expansions of nonconforming uses.	Partially Complies The code assigns most applications to the appropriate decision type, but routes subdivisions through a full public hearing when state law requires only an administrative decision. The code also bars expansion of nonconforming uses outright, rather than assigning it a decision type as the statute requires.
ORS 197A.140-146: Expedited Land Divisions The City must offer an expedited administrative land division process with a 63-day decision timeline, without a hearing, when requested by an applicant for a qualifying residential land division within an urban growth boundary.	Partially Complies The code references an expedited land division process but cites a repealed statute and does not codify the required 63-day decision timeline, applicant election rights, or qualifying criteria that state law mandates.
ORS 197A.400: Clear and Objective Approval Criteria Required The City must apply only clear and objective standards, procedures, and conditions to housing development, and may not adopt standards that discourage needed housing through unreasonable cost or delay. An optional discretionary approval process may also be offered. As of July 1, 2026, sets a 100 ft. noticing distance (or 500 ft. for projects with 20 or more units) and limits appeals to the applicant only.	Partially Complies Numerous standards throughout the JDDC are out of compliance with clear and objective requirements. See section 2. Noticing distance provisions comply, however 5-4.1.030.G.1 allows appeals of decisions on housing developments by any person entitled to written notice.
ORS 197A.402: Local Approval of Land Division or Construction of Housing The City must approve applications for housing development or land divisions that are consistent with their comprehensive plan and land use regulations. If inconsistent, applicants must be allowed to amend their application or propose conditions of approval before a final decision is made.	Partially Complies The code allows the city to approve, approve with conditions, or deny applications, but contains no requirement that an applicant be given the chance to amend an application if it is found inconsistent with applicable requirements.
ORS 227.175: Application for Permit or Zone Change The City must allow consolidated permit applications, approve applications that comply with the comprehensive plan and land use regulations, and may not deny or reduce	Does Not Comply The JDDC does not prohibit the city from reducing the density or height of a qualifying housing development as a

the density or height of qualifying housing developments.	condition of approval, which state law restricts except for health, safety, or habitability reasons. The code also lacks an explicit statement that housing approvals must be based on clear and objective standards.
ORS 227.178: Deadlines for Completeness Determination and Final Action on Application The City must take final action on applications within 120 days of a complete submittal (100 days for affordable housing, 63 days for expedited land divisions), notify applicants of missing information within 30 days, and review applications under the standards in effect at the time of submittal unless the applicant opts in to newer standards.	Partially Complies The code codifies only the standard 120-day review clock and does not reflect several updates now required by state law, including a faster 100-day track for affordable housing, an applicant's right to opt into newer standards, a 245-day cap on applicant-requested extensions, a fee refund obligation for missed deadlines, and a prohibition on requiring applicants to waive their timeline rights as a condition of action.
ORS 197A.395 §38-41 (temporary): Mandatory Adjustments for Housing Development Standards The City must grant up to 10 adjustments (deviations from development standards) per qualifying housing development application upon applicant request. Adjustments may be denied only if granting would violate a statewide planning goal, create a health/safety/habitability issue, or conflict with federal or state law. This provision sunsets on January 2, 2032.	Codification Not Applicable Codification of the temporary mandatory adjustments procedures is not required. If the City wants to make their availability clearer, adoption of a new adjustment procedure meeting the SB 1537/ORS 197A.395 §38-41 requirements may be adopted with either a sunset clause matching that of the ORS or a reference to the ORS itself.
General Housing Provisions Requirements	
Occupancy	
ORS 90.112: Occupancy Limit Based on Familial Relationship The City may not enforce a residential occupancy limit based on the familial or non-familial relationships of occupants.	Does Not Comply The code's definition of "Household" caps unrelated occupants at five while placing no limit on related occupants. Family-based terminology also appears throughout use tables, development standards, and definitions in ways that imply housing types are restricted by household composition. It is recommended to amend the definition for "household" and replace family terminology with "unit" or "household."

Specific Housing Types

ORS 197A.430: Single Room Occupancies (SRO)

The City must allow up to six SRO units on residentially zoned lots and up to three times the maximum density on multiunit-zoned lots. For every three SRO units, parking may not exceed what the city requires for a single detached dwelling (for developments of six or fewer units) or one multiunit dwelling unit (for developments of more than six units).

Does Not Comply

SRO housing, small, independently rented units with shared kitchens or bathrooms, is grouped with multifamily in the code and subject to a 10,000 square foot minimum lot size and 100-foot building width standard that state law does not allow to be applied to SROs. The code also lacks SRO-specific parking standards and does not allow SROs on single-unit lots at up to six units per lot as required.

197A.432: Siting of Manufactured Home or Prefabricated Structure

Within its urban growth boundary, the City must allow manufactured homes and prefabricated structures on any lot zoned for single-unit dwellings and may not apply higher standards to them than a comparable site-built home, except in historic districts or to meet energy performance requirements.

Does Not Comply

The code imposes standards on manufactured homes that do not apply equally to site-built homes, including a multi-section construction requirement, a 1,000 square foot minimum floor area, a minimum roof pitch, and siding comparability requirements. The thermal envelope standard and historic district prohibition may be retained.

197A.434-436: Manufactured Home Parks

The City must allow manufactured dwelling parks in areas zoned for residential densities of 6-12 units per acre within urban growth boundaries and may adopt clear and objective placement and design standards, provided those standards do not preclude park development.

Partially Complies

Manufactured home parks are classified as a conditional use in the RL and RC zones, where state law requires them to be permitted outright or through administrative site plan review; the code must reclassify parks to a permitted use in those zones. Some park design standards are also subjective and will need to be revised to be clear and objective.

ORS 92.835-845: Manufactured Home Park Subdivisions

The City must approve the subdivision of a lawfully established manufactured dwelling park into individually owned lots if the application meets specific criteria, may not impose new conditions beyond the original park approval, and must continue to allow manufactured dwellings on converted lots.

Codification Not Applicable

No provisions exist for converting a manufactured home park into individually owned lots, a process state law governs with specific tenant notification, right-of-purchase, and SDC limitation requirements. While codification is not strictly required, the absence creates a gap that staff and residents would have to navigate without any local guidance if a park conversion is ever proposed.

ORS 197.493: Occupancy of Recreational Vehicles (RV) The City may not prohibit or limit occupancy of a recreational vehicle as a residence in a recreational vehicle, manufactured dwelling, or mobile home park if lawfully connected to utilities. RV occupancy is also allowed on lots with disaster-damaged dwellings until repairs are complete or five years have passed.	Partially Complies The code acknowledges RV occupancy in parks when connected to utilities but does not explicitly remove time limits on such occupancy and lacks a provision allowing temporary RV occupancy on lots where a primary dwelling has been damaged by a natural disaster.
ORS 197.660-670: Residential Homes and Facilities Residential Homes (5 or fewer residents) are required to be permitted in all residential and commercial zones and may not be subject to more restrictive standards than a single-unit dwelling. Residential Facilities (6-15 residents) are required to be permitted where multiunit housing is permitted, and where multiunit housing is a conditional use are required to be at least a conditional use.	Partially Complies Smaller residential care homes (five or fewer residents) are correctly permitted in all residential zones, but larger residential care facilities (6–15 residents) are not permitted in the RL zone, where multifamily housing is allowed, which state law requires facilities must be permitted at least as a conditional use. A targeted amendment to the use table would resolve this gap.
ORS 197.746 Transitional Housing Accommodations Local governments may authorize transitional housing accommodations (including yurts, tents, and other temporary structure) as a use on lands within an urban growth boundary for individuals who lack permanent or safe shelter and cannot be placed in other low-income housing. This is a permissive, but not required, statute.	Codification Not Applicable The code has no provisions addressing transitional housing accommodations. The city may wish to consider whether and how to allow these uses, particularly in coordination with local service providers.
ORS 197A.449: Hotel/Motel Conversion The City must allow the conversion of hotels or motels to emergency shelters or affordable housing within urban growth boundaries, subject only to building code compliance, occupancy limits, and siting and design standards that do not prohibit conversion through unreasonable cost or delay.	Codification Recommended State law makes hotel and motel conversions to shelters or affordable housing self-executing (no land use decision is required) but because the JDDC doesn't acknowledge this, City staff may inadvertently apply standard land use review to a conversion that the applicant has a right to proceed with ministerially.
ORS 197.783: Emergency Shelter Siting The City must approve emergency shelter applications on any property regardless of local zoning, land use regulations, or statewide planning goals if they do not pose an unreasonable risk to public health or safety.	Codification Recommended State law allows emergency shelters to be approved on any property regardless of zoning, but the JDDC has no definition, no listed use category, and no codified pathway, meaning applicants and City staff have no local framework to follow.
Affordable Housing	

ORS 197A.445(1-8): Affordable Housing Allowed Outright; Commercial Conversion The City must allow qualifying affordable housing on property owned by a public body, religious corporation, affordable housing nonprofit, housing authority, or manufactured dwelling park cooperative, or on property zoned for commercial uses, religious assembly, or public lands.	Does Not Comply The code has no provisions implementing the state's requirement that affordable housing be allowed outright without a zone change or conditional use permit on publicly owned land, nonprofit-owned land, and commercially zoned land within the UGB.
ORS 197A.445(9-10): Affordable Housing Density and Height Bonus The City must approve affordable housing at a density and height bonus above base zoning standards, ranging from 1.25 to 2 times the base density and 12 to 36 additional feet, whichever is greater between the state minimum and any local bonus, with reductions allowed only for health, safety, habitability, or statewide planning goal compliance.	Does Not Comply The code has no density or height bonus for affordable housing of any kind.
ORS 197A.460: Residential Use of Commercial Lands for Affordable Housing The City must allow affordable residential or mixed-use development on commercially zoned land within urban growth boundaries, regardless of existing zoning or comprehensive plan provisions.	Does Not Comply The code has no provisions recognizing or implementing this allowance for the City's commercial zones. Adopting qualifying criteria and applicable development standards for the Downtown and General Commercial zones is needed to comply.

2. Clear and Objective Standards and Procedures Audit

Background

Oregon Revised Statute (ORS) 197A.400 requires that local governments adopt and apply only clear and objective standards, conditions, and procedures to the development of housing. This “clear and objective” requirement relates to development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use application criteria that apply to residential partitions, subdivisions, and development reviews. In addition to the required clear and objective approval process and standards, a local jurisdiction may also offer an optional path with discretionary standards and review for housing development. This “dual track” model allows cities to offer applicants a choice: a predictable approval path based on clear and objective standards, or a discretionary path that may allow greater design flexibility.

What is “Clear and Objective”?

A standard is “clear” if it is understandable and “objective” if it can be verified without needing interpretation or judgment. For example, if two staff members, or decision-makers such as a review body members, reading the same standard could reach different conclusions about whether a given application satisfies the requirement or must exercise judgement to determine if a requirement has been met then that requirement is not clear and objective. External standards, plans, or other documents incorporated by reference into standards and procedures must also be clear and objective.

Common issues found in development code language that cause requirements to not be clear and objective are outlined as follows:

- **Undefined or Subjective Terminology** requiring individual judgment to determine compliance. In these instances, two reviewing authorities reading the standard independently could reach different conclusions about whether a given application satisfies the requirement.
 - *JDDC Example:* Section 5-2.3.080.D.4 requires multi-story buildings to have ground floors that “are defined and separated from upper stories by appropriate architectural features (e.g., cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture.” The terms “compatible” and “architectural features” require aesthetic judgment with no measurable standard.
 - *Compliance Approach:* Provide clear or measurable parameters for the subject and/or removing the subjective phrase.
- **Lack of Metrics/Balancing.** Standard that requires weighing or balancing competing interests, or minimizing impacts, without establishing a measurable threshold for compliance.
 - *JDDC Example:* Section 5-4.2.060 requires that “adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact are avoided; or where impacts cannot be avoided, they are minimized.” No threshold defines when impacts are sufficiently “minimized.”
 - *Compliance Approach:* Define specific thresholds or criteria to meet that effectively prevent the undesired impacts.
- **Discretion without Direction/Delegation.** Substantive discretion delegated to an official or body without criteria specifying when or how the discretion is to be exercised.
 - *JDDC Example:* Section 5-3.4.060.A provides that “standard width for public main line utility easements shall be determined by the Public Works Director.” No criteria provides clarity when an easement would be required by the Public Works Director.
 - *Compliance Approach:* Provide specific criteria related to the subject, for a JDDC example this would include outlining when a public main line utility easement would be required.
- **External Reference is not Clear and Objective.** Provision requires compliance with a referenced (external) document, standard, or plan, which is itself not clear and objective.

- *JDDC Example:* Section 5-2.6.020 incorporates by reference the "Engineering Geology of the John Day Area, Grant County, Oregon (Dated 1975)" report. The hazard designations in this external document control whether overlay zone requirements apply and are required to be clear and objective, such as modifying the reference to be narrow to a section that is clear and objective.
- *Compliance Approach:* Either provide clear and objective standards for specific materials and specifications or reference a specific document, in which the standards themselves are clear and objective. These references may be to specific provisions in the document to limit the portion of that document that must be clear and objective.
- **Discretionary Approval Process or Pathway.** Housing is routed through a discretionary review process (typically conditional use) for approval, with no clear and objective approval pathway available.
 - *JDDC Example:* Manufactured Home Parks require a Conditional Use Permit in the RL and RC zones (Table 5-2.2.020). The CU process is inherently discretionary, and no clear and objective approval pathway is available for this housing type in these zones.
 - *Compliance Approach:* Establish a clear and objective pathway while either eliminating the discretionary pathway or maintaining it as optional. For the JDDC example, this could be allowing manufactured home parks outright, without being subject to conditional use review.

Findings

This audit evaluates if the JDDC provides the required clear and objective pathway for residential development and identifies approximately 60 provisions that may need updating to comply with the requirement. A more detailed list of all individual sections containing provisions that are not clear and objective can be found in Appendix B.

Article 5-2.2: Land Use Districts

Residential Zones. The audit identified approximately 14 standards in the residential land use districts that are not clear and objective, concentrated in the special use standards of Section 5-2.2.100 and the allowed uses table. Two provisions in Table 5-2.2.020 list manufactured home parks as a conditional use in the RL and RC zones, with no clear and objective alternative pathway, an issue that also appears in the Statutory Compliance findings. Several standards in Section 5-2.2.100 apply to housing types such as accessory dwellings, manufactured homes, manufactured home parks, multifamily housing, zero-lot-line housing, and temporary residences (RVs and manufactured homes during construction). Across these sections, the most common problems are discretionary triggers without criteria, for example, the city "may require" a landscape buffer or fence with no guidance on when, and appearance-based standards using terms such as "similar or superior," "like those used," and "encourage privacy" that ask reviewers to make aesthetic judgments without a defined reference point. Standards governing temporary residential uses contain several undefined

evaluative phrases, including "unsatisfactory progress," "adverse impact on the welfare," and "visual nuisance," each requiring subjective judgment to apply.

Commercial Zones. The audit identified approximately 16 standards in the commercial districts that are not clear and objective, the large majority concentrated in Section 5-2.3.080, the Architectural Design Standards section applicable to all new buildings and major remodels in the Downtown and General Commercial zones, including housing. The compatibility and human-scale subsections of this section rely on terms such as "compatible," "appropriate," "continuity," "consistently-shaped," and "strengthened" to govern facade design, rooflines, window placement, and architectural detailing. Without measurable parameters, two reviewers could reach opposite conclusions on the same application. Additional findings in the commercial section include a discretionary planned street improvement setback with no criteria for when it is triggered and building orientation standards containing ambiguous language about when vehicle areas are permitted near building entries.

Overlay Zones. The audit identified approximately 11 standards in overlay zones that are not clear and objective. The Innovation Gateway Overlay contains design standards using the same "compatible" and "appropriate" language as the commercial architectural standards, with an added concern that the overlay incorporates the John Day Innovation Gateway Plan by reference without confirming that the Plan's standards are themselves clear and objective. The Airport Safety and Compatibility Overlay delegates key determinations, including noise abatement strategy approval, to the airport sponsor without criteria, creating an external delegation problem. The Light Industrial district contains several provisions allowing the approval body to require additional landscaping, buffering, and pedestrian access ways based on undefined thresholds including "aesthetic impacts" and unstated safety determinations.

Article 5-3: Community Design Standards

The audit identified approximately 30 standards in Article 5-3 that are not clear and objective, making this the highest-concentration area of the code. Chapter 5-3.4 (Public Facility Standards) alone accounts for approximately 17 flagged provisions. Nearly every subsection of Chapter 5-3.4, covering transportation, public use areas, sanitary sewer and water, storm drainage, utilities, easements, installation requirements, and performance guarantees, delegates key determinations to the Public Works Director or a general "City" authority without specifying the criteria governing those decisions. Recurring language such as "as determined by the Public Works Director," "acceptable to the City," "to the satisfaction of the City," and "may require" appears throughout, creating broad discretion that conflicts with clear and objective requirements. Section 5-3.1 (Access and Circulation) contains approximately 11 flagged provisions, with repeated use of "may require" for traffic studies, curb cut closures, and access improvements, as well as undefined terms including "unobstructed view," "adequate aisle width," and "shall be minimized" for driveway and access management standards. Section 5-3.2 (Landscaping, Street Trees, Fences and Walls) contains provisions requiring landscaping to "provide visual screening," "consider root growth," and be

maintained in "good health" with "sufficient irrigation," which are terms that ask reviewers to make qualitative judgments with no measurable standards.

Article 5-4: Administration of Land Use and Development

The audit identified approximately 12 standards in Article 5-4 that are not clear and objective, spanning the Site Design Review criteria and land division approval standards. The Site Design Review approval criterion in Section 5-4.2.060 requires that adverse impacts be "avoided" or "minimized" without establishing a measurable threshold for compliance, a balancing standard that is not clear and objective. The land division approval criteria in Section 5-4.3 use a cluster of undefined evaluative terms, "adequate public utilities," "adequate surface water drainage," "sufficient open land area," "suitable elevation," and "to the extent practicable." The land division section also contains open delegation problems, including a blanket authority for the city to "attach such conditions as are necessary" and a provision allowing the Planning Official to upgrade a preliminary plat to a higher-level review process with no stated criteria for when that change is warranted.

3. Comprehensive Plan Audit

Background

The Foreword in the Comprehensive Plan explains the plan's purpose and 2002 update. The nine sections that follow establish topic-specific goals and policies, generally organized around the Oregon Statewide Planning Goals.

Findings

The Comprehensive Plan requires several updates to comply with state housing statutes. This review identifies four housing-related sections needing revision. Reconciling the full set of inconsistencies between the Comprehensive Plan and the development code is outside this project's scope; the first finding below is tied to the City's 2002 Buildable Lands Inventory and should be carried as a separate project.

Reconcile residential zoning districts (recommend a separate project). The Comprehensive Plan references two residential zones, R-7 and R-10, that do not match the development code's three residential zones: RL, RG, and RC. The R-7 and R-10 designations are tied to the 2002 Buildable Lands Inventory (BLI), which allocated available residential land by those zones. Updating every reference to R-7 and R-10 would conflict with the BLI findings and is not feasible piecemeal. One exception: a sentence in the Housing Mix Assumptions subsection of the Housing Element (p. 59) describes uses within the two zones and could be removed. It is recommended not to alter the existing findings, and to address the residential zoning districts and the BLI together in a separate project.

Expand Housing Types in Housing Policy 1. The Policy references manufactured housing, planned or cluster developments, and other innovative housing types. State law now requires additional types, including prefabricated structures, that the policy should reference.

Update ORS Reference in Housing Policy 2. Housing Policy 2 cites ORS 197.295 for needed housing. That citation is outdated and must be updated to ORS 197A.018.

Update locational criteria in Housing Policy 8. The policy states that manufactured home parks "should be developed in areas in close proximity to service commercial, with access to a collector...." These criteria conflict with state law, which requires manufactured home parks to be allowed in residential zones planned for densities of 6 to 12 units per acre and does not permit their siting to be tied to proximity to particular uses. The existing language needs to be updated to comply with current state requirements.

4. Master Planned Development Audit

Background

The City's Master Planned Development (MPD) standards in the JDDC Section 5-4.5.030 were reviewed to ensure their clear and consistent application. This review was prompted by a complaint filed by a developer against the City with the state's Housing Accountability and Production Office (HAPO) in August 2025 regarding a Master Plan Development project in John Day. Although these standards are not subject to clear and objective requirements and are not addressed by the housing statutes reviewed in Section 1, the audit is warranted to resolve the complaint and prevent similar issues in the future.

Findings

The audit identified possible gaps or lacks of clarity in the MPD approval process that contributed to the issues raised in the HAPO complaint. Amendments are recommended to operationalize the obligation currently established in 5-4.5.070(A,) that MPD-approved modifications of Article 2 and 3 requirements govern subsequent reviews. Clarification of how this obligation carries through in reviews subsequent to the initial MPD approval is needed.

Appendix C provides a detailed analysis of the primary development code provisions involved in the HAPO complaint. It includes the full text of the relevant standard, how it was involved in the complaint, and a draft of recommended amendments to the code sections (if any).

The findings below summarize the key JDDC sections that are recommended to be amended.

5-4.5.030(B) Review and Approvals: Preliminary subdivision plats and site design review applications (the type of application referenced in the HAPO complaint) are subject to a Type I review but Section 5-4.5 does not define an intent for that review. Additional procedural

requirements tied to these reviews are provided, but there are no specific review criteria established for parcels with approved MPDs.

5-4.5.040 Modifications to Standards: A core issue of the HAPO complaint was site design review applying Article 5-3 standards that were previously modified in the initial MPD approval.

5-4.5.050 Overlay Zone And Concept Plan Submission: This section sets out the submission requirements for the MPD concept plan.

5-4.5.080 Detailed Development Plan Submission Requirements: This provision was not involved in the HAPO complaint. It is called out in this review as a potential issue for future master plan developments as it designates the detailed development plan as a Type III review, in conflict with 5-4.5.030(B)(2) which designates this as a Type I review.

5-4.5.100(C) Other Approvals - Streamlined Review Option: This section does not define the scope of site design review applications within an approved MPD or specifies that it must be evaluated against the approved MPD modifications rather than the base Article 5-3 standards, a distinction central to the HAPO complaint.

Draft Amendments Approach:

The recommended amendments address the core issue identified in the analysis through three coordinated amendments:

- Scope clarification language would be added to Section 5-4.5.100(C) and Section 5-4.5.030(B)(3) to establish that subsequent reviews within an approved MPD are evaluated against the approved MPD record rather than base code standards.
- Section 5-4.5.040 would be amended to make explicit that approved modifications carry forward to all subsequent reviews, with a clear pathway for revisiting those modifications through the detailed development plan criteria in Section 5-4.5.090 or a major modification under Section 5-4.6.
- Submittal requirements would be added to Sections 5-4.5.050 and 5-4.5.080 to create a documented record of MPD modifications to Articles 2 and/or 3 at each review stage.

Together, these amendments would operationalize the obligation that MPD-approved modifications govern subsequent reviews currently established in 5-4.5.070(A) and close the gaps in the MPD approval process that contributed to the issues raised in the HAPO complaint.

Appendix A | Statutory Compliance Audit

Detailed Findings

Below is a detailed analysis of the JDDC's compliance with statutory requirements. For each statute, the analysis includes a summary of the applicable requirements, relevant findings from the JDDC, a compliance determination, and recommendations. The analysis is organized into the following categories:

Section A: Procedural Requirements

Section B: General Housing Provisions

Subsection 1: Occupancy

Subsection 2: Specific Housing Types

Subsection 3: Affordable Housing

Section A: Procedural Requirements

Limited Land Use Decisions (ORS 197.195 / 197.015)

Amended by SB 1537 (2024)

The City must follow specific noticing, comment, and written findings procedures when making limited land use decisions on tentative subdivision approvals, site design review, replats, property line adjustments, and expansions of nonconforming uses.

Findings

Table 5-4.1.010 classifies: Partitions as Type II; Subdivisions as Type III; Site Design Review as Type II; Property Line Adjustments as Type I; Non-Conforming Use/Development Confirmation as Type I.

ORS 197.195(1) requires tentative subdivisions be processed as limited land use decisions. The code does not use the term limited land use decision, but its Type II procedure is the equivalent of the limited land use decision. However, subdivisions are classified as Type III (quasi-judicial hearing), exceeding the statutory requirement. Section 5-5.2.020.A prohibits expansion of nonconforming uses outright.

Status	Recommendation
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Partially Complies	Reclassify subdivisions from Type III to Type II or equivalent limited land use decision procedure. Add limited land use decision as a defined term referencing ORS 197.015(12).
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Expedited Land Divisions (ORS 197A.140-146)

The City must offer an expedited administrative land division process with a 63-day decision timeline, without a hearing, when requested by an applicant for a qualifying residential land division within an urban growth boundary.

Findings

Section 5-4.1.070.A establishes an expedited land division procedure by reference to the ORS. The expedited land division procedure is used when required by ORS 197.360 at the applicant's request. Expedited Land Divisions are reviewed using a Type I procedure with written notice to owners within 100 feet. The City must issue a final decision within 63 days. The code provides for appeal to a referee consistent with ORS 197.375, but this statute has since been repealed and is now located in ORS 197A.140-146.

Status	Recommendation
Partially Complies	Update Section 5-4.1.070.A to codify a formal expedited land division procedure consistent with ORS 197A.140-146: (1) 63-day decision timeline, (2) applicant election provisions, (3) review procedures for contested applications, and (4) criteria for qualifying residential land divisions. Remove outdated references to 197.375. To meet minimum compliance without codifying a formal procedure, update references to ORS 197A.140-146.

Local Approval of Land Division or Construction of Housing (ORS 197A.402)

Amended by HB 3222 (2015)

The City must approve applications for housing development or land divisions that are consistent with their comprehensive plan and land use regulations. If inconsistent, applicants must be allowed to amend their application or propose conditions of approval before a final decision is made.

Findings

Section 5-4.1.060.D.4 addresses changes or additions to an application during the review period. When an applicant submits new documents that significantly change the application, the code provides three options at the applicant's choice: (1) continue the existing application and submit

a new second application; (2) suspend the existing application and submit a new one (with the applicant's written consent to waive the 120-day rule); or (3) reject the new materials and proceed with the existing application. However, these provisions address changes to a complete application during review. They do not explicitly provide an opportunity for the applicant to amend an application that is found to be inconsistent with the comprehensive plan and land use regulations.

Section 5-4.1.060.D.3.b(1) allows applicants 180 days to submit missing information for incomplete applications. This addresses completeness, not consistency with standards.

The code provides that approval bodies may approve, approve with conditions, or deny applications (e.g., Section 5-4.4.040 for conditional uses, Section 5-4.1.040.5.c for Type III decisions), but does not specifically provide the applicant the opportunity to propose conditions or amend a proposal when it is inconsistent with applicable standards.

Status	Recommendation
Partially Complies	Amend the procedures chapter to add a provision that, when an application for housing is inconsistent with the comprehensive plan or land use regulations, the city shall allow the applicant to amend the application or propose conditions to achieve consistency, consistent with ORS 197.402(3) and cannot reject a changed application.

Application for Permit or Zone Change (ORS 227.175)

The City must allow consolidated permit applications, approve applications that comply with the comprehensive plan and land use regulations, and may not deny or reduce the density or height of qualifying housing developments.

Findings

Section 5-4.1.030.D, Section 5-4.1.040.E.3, and Section 5-4.1.040.5.c state that the reviewing or hearing body can approve, approve with conditions, or deny an application. There is no language that restricts density or height of housing as a condition of approval.

The code does not explicitly state that approvals must be based on clear and objective standards as required by ORS 227.175.

Status	Recommendation
Does Not Comply	Add explicit language prohibiting reductions in density or height as a condition of approval, except to address health, safety, or habitability issues or to comply with statewide planning goals. Add a provision that allows for consolidated permits,

which could include directly citing ORS 22.175(2) and the required ORS 227.178 timeline in Section 5-4.1.010(B). Ensure all housing approval standards are clear and objective.

Deadlines for Completeness Determination and Final Action on Applications (ORS 227.178)

Amended by SB 1537 (2024)

The City must take final action on applications within 120 days of a complete submittal (100 days for affordable housing, 63 days for expedited land divisions), notify applicants of missing information within 30 days, and review applications under the standards in effect at the time of submittal unless the applicant opts in to newer standards.

Findings

The code's 120-day rule provision at Section 5-4.1.060.A partially codifies ORS 227.178 but does not reflect the statute's current structure. ORS 227.178(1) now establishes a tiered timeline: 120 days for standard applications, 100 days for affordable housing applications under ORS 197A.470, and 63 days for expedited land divisions under ORS 197A.140. The code codifies only the 120-day default and does not address the 100-day affordable housing timeline. The 63-day expedited land division timeline is not explicitly listed in the code but is incorporated via reference to the ORS in section 5-4.1.070.A.

The vesting/goalpost provision at Section 5-4.1.060.D.3.b(3) ties vesting to when an application was "first accepted," but ORS 227.178(3)(a) ties vesting to when the application was "first submitted." More significantly, the code does not codify the opt-in provision now found in ORS 227.178(3)(a)(B), which allows applicants to elect review under subsequently adopted standards for housing applications within an urban growth boundary, along with the associated procedural rules governing timeline restarts, fee limitations, and prohibition on redundant processes under ORS 227.178(3)(b).

The code does not address the extension limit of 245 days for applicant-requested extensions per ORS 227.178(5), the refund obligation for missed deadlines per ORS 227.178(8), or the prohibition on compelling applicants to waive timeline protections as a condition of action per ORS 227.178(10).

Status	Recommendation
Partially Complies	Amend Section 5-4.1.060 to: (1) replace the single 120-day reference with the tiered timeline structure per ORS 227.178(1); (2) correct the vesting trigger from "first accepted" to "first submitted"; (3) add the opt-in provision allowing housing applicants to elect review under subsequently adopted standards, including the

procedural rules for timeline restart, fee limitations, and prohibition on redundant processes per ORS 227.178(3)(b); and (4) add provisions addressing the 245-day extension cap, the fee refund obligation for missed deadlines, and the prohibition on waiver as a condition of action.

Mandatory Adjustments for Housing Development Standards (SB 1537 §37-43 ORS 197A.395 §38-41)

Amended by SB 1537 (2024)

The City must grant up to 10 adjustments (deviations from development standards) per qualifying housing development application upon applicant request. Adjustments may be denied only if granting would violate a statewide planning goal, create a health/safety/habitability issue, or conflict with federal or state law. This provision sunsets on January 2, 2032.

Findings

Existing provisions for variances were not written to meet the parameters within SB 1537. The code contains Class A variances (up to 20% adjustment) and Class B variances in Chapter 5-5.1. Both require hardship or special circumstance findings, which SB 1537 prohibits. There are no adjustment provisions in the code that allow the SB 1537 design standards adjustments (up to 10 per application with the exceptions for denial based on the three criteria).

Status	Recommendation
Codification N/A	Codification of the temporary mandatory adjustments is not mandatory. If the city wants to make their availability clearer, adoption of a new adjustment procedure meeting the SB 1537 requirements may be adopted with a sunset clause matching that of the bill.

Section B: General Housing Provisions

Subsection 1: Occupancy

Occupancy Limit Based on Familial Relationship (ORS 90.112)

The City may not enforce a residential occupancy limit based on the familial or non-familial relationships of occupants.

Findings

Section 5-6.1.030 defines Household as one or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons. This limits unrelated persons to 5 while placing no limit on related persons, creating an occupancy restriction based on familial relationships in conflict with ORS 90.112.

In addition to the Household definition, the code uses family-based terminology pervasively throughout. Table 5-2.2.020 uses the terms Single Family (not attached), Single Family Attached, and Multifamily as use categories. Table 5-2.2.030 (Development Standards) uses Single Family, not attached and Single Family, attached as lot size categories. Section 5-6.1.030.P defines Single Family House. Section 5-2.2.100.B is titled Attached Single Family (Townhouses or Rowhouses). The Daycare provisions in Table 5-2.2.020 and Section 5-1.3.430 use the term Family Daycare. These family-based terms appear in headings, definitions, use tables, and development standards throughout Articles 5-1 through 5-6.

Oregon's housing legislation (HB 2001, OAR 660-046, and subsequent amendments) has adopted unit-based and household-based terminology: single-unit detached dwelling, multi-unit housing, household living, etc. While ORS 90.112 specifically addresses occupancy limits based on familial relationship, the broader legislative direction calls for removing family as an organizing concept in development codes to avoid implying that housing types are restricted based on the composition of the occupants.

Status	Recommendation
Does Not Comply	Amend the Household definition in Section 5-6.1.030 to remove the distinction between related and unrelated persons. Additionally, replace family-based terminology throughout the code with unit-based and household-based terminology consistent with current Oregon housing law: replace Single Family (not attached) with Detached Single-Unit Dwelling; replace Single Family Attached with Attached Single-Unit Dwelling or Townhouse; replace Multifamily with Multi-Unit Housing; and replace Single Family House (Section 5-6.1.030.P) with Detached Single-Unit Dwelling.

Specific Housing Types

Single Room Occupancies (SRO) (ORS 197A.4300)

Amended by HB 3395 (2023) and HB 2138 (2025)

The City must allow up to six SRO units on residentially zoned lots and up to three times the maximum density in zones that permit multi-unit dwellings. For every three SRO units, parking may not exceed what the city requires for a single detached dwelling (for developments of six or fewer units) or one multiunit dwelling unit (for developments of more than six units).

SRO means a development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

Findings

Section 5-6.1.030 defines SRO under Residential Structure Types (subsection Q) as a structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. The definition includes residential hotels and rooming houses.

Section 5-1.3.110 includes SROs in Household Living when two-thirds of units are rented monthly, but those with less than two-thirds rented monthly or longer are considered a hotel or motel use classified as Retail Sales and Service. SROs with common dining are considered Group Living. SROs (except those classified as Group Living) are grouped with Multifamily in Table 5-2.2.020, permitted with standards (S) subject to multifamily standards in Section 5-2.2.100.H (10,000 sq ft min lot, 100-ft building width, open space). The Group Living category in Table 5-2.020 does not list SRO and only lists Group Care Home and Group Care Facility. ORS 197A.430(2)(a) requires SROs in single-unit zones (up to 6 units/lot) without multi-unit classification. Section 5-3.3.030 includes parking standards for Group Living but does not include parking standards specific to SROs.

Status	Recommendation
Does Not Comply	• Update SRO definition to align with ORS 197A.430(1). • Add SRO as a distinct permitted use in RL, RG, and RC, subject to max 6 units per lot. • Add SRO as a permitted use in the D and GC zones, provided it is not located on the ground floor along the main street frontage. • Amend the Household Living criteria in Section 5-1.3.110 to remove any classification of SROs as Group Living. • Add SRO to Table 5-3.3.030A and amend the associated minimum parking per land use to match ORS 197A.430(3).

Siting of Manufactured Home or Prefabricated Structure (ORS 197A.432)

Within its urban growth boundary, the City must allow manufactured homes and prefabricated structures on any lot zoned for single-unit dwellings and may not apply higher standards to them than a comparable site-built home, except in historic districts or to meet energy performance requirements.

Findings

Table 5-2.2.020 lists manufactured homes as S in RL, RG, RC. However, Section 5-2.2.100.F imposes standards not equally applied to site-built single-unit dwellings, such as multi-sectional with 1,000 sq ft minimum, pitched roof 3:12 slope, siding similar or superior to nearby residences, excavated foundation not more than 16 inches above grade, foundation skirt, historic district prohibition.

The multi-sectional and siding requirements are the most clearly non-compliant. Thermal envelope standard (Section 5-2.2.100.F.5) is permissible per ORS 197.478(3). Historic district exception is authorized by ORS 197.478(2)(a).

Status	Recommendation
Does Not Comply	Revise Section 5-2.2.100.F to ensure standards are not more restrictive than those for single-unit dwellings. Remove multi-sectional/1,000 sq ft minimum. Either remove pitched roof, siding, and foundation standards or apply equally to single-unit dwellings. Thermal envelope and historic district exceptions may be retained, but thermal envelope requirements should be updated to remove the reference of "Super Good Cents" threshold and replace with the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

Manufactured Home Parks (ORS 197A.434-436)

Amended by HB 4064 (2022)

The City cannot prohibit placement of a manufactured dwelling due solely to its age in a mobile home or manufactured dwelling park in a zone with residential density of 8-12 units per acre.

The City must allow manufactured dwelling parks in areas zoned for residential densities of 6–12 units per acre within urban growth boundaries and may adopt clear and objective placement and design standards, provided those standards do not preclude park development.

Findings

Table 5-2.2.020 lists manufactured home parks as a conditional use in RL and RC zones and permitted with standards in the RG zone. Section 5-2.2.100.G provides standards on parcels of 1 acre or more and maximum density of 12 units/acre. This section includes requirements that are not clear and objective (Section 5-2.2.100.G.5.b) and will need to be amended.

RL and RC zones are the only residential zones that fall within the 6–12 du/acre range. ORS 197A.436(1) requires parks to be permitted outright or through site plan review in 6–12 du/acre zones. No provisions for prefabricated structures per ORS 197A.434(3). One-acre minimum complies with ORS 197A.432(5).

Status	Recommendation
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Partially Complies	Reclassify manufactured home parks from conditional use to permitted use with standards in RL, RG and RC zones. Modify the special standards for manufactured home parks to be clear and objective. Add provisions for prefabricated structures per ORS 197A.434(3).
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Manufactured Home Park Subdivisions (ORS 92.835-845)

The City must approve the subdivision of a lawfully established manufactured dwelling park into individually owned lots if the application meets specific criteria, may not impose new conditions beyond the original park approval, and must continue to allow manufactured dwellings on converted lots. This is a permissive statute. Cities are authorized but not required to codify this process.

Findings

No provisions were found addressing subdivision of existing manufactured home parks, including tenant notification, right of first refusal, or LID remonstrance waiver.

Status	Recommendation
Codification Recommended	Adopt provisions recognizing pre-2001 manufactured home park subdivision rights under ORS 92.835-845, including tenant notification, right-of-purchase, prohibition on new conditions, and LID remonstrance waiver.

Occupancy of Recreational Vehicles (RV) (ORS 197.493)

Established by HB 2809 (2021)

The City may not prohibit or limit occupancy of a recreational vehicle as a residence in a recreational vehicle, manufactured dwelling, or mobile home park if lawfully connected to utilities. RV occupancy is also allowed on lots with disaster-damaged dwellings until repairs are complete or five years have passed.

Findings

Section 5-2.2.100.L addresses RVs as temporary residences with limited exceptions (including medical hardship, 7-day guest stays, and during construction). Section 5-1.3.110.D.1 acknowledges ORS 197.493 by recognizing RVs as dwellings when in an approved park connected to utilities.

However, the code does not explicitly state no time limit on RV occupancy when connected to utilities in a park. No disaster-related RV occupancy provisions found per ORS 197.493.

Status	Recommendation
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**Partially
Complies**

Amend Section 5-2.2.100.L to explicitly allow RV occupancy with no time limit in parks when connected to water, electrical, and sewer. Add disaster-related RV occupancy provisions per ORS 197.493.

Residential Homes and Facilities (ORS 197.660-670)

Established by HB 2809 (2021)

Residential Homes (5 or fewer residents) are required to be permitted in all residential and commercial zones and may not be subject to more restrictive standards than a single-unit dwelling. Residential Facilities (6-15 residents) are required to be permitted where multiunit housing is permitted, and where multiunit housing is a conditional use are required to be at least a conditional use.

Findings

Section 5-6.1.030 defines Residential Home (Residential Structure Types subsection L) and Residential Facility (subsection M, 6-15). Section 5-2.2.100.D establishes standards including licensing, access, parking, landscaping, site review, which largely refer to standards provided in Chapter 5-3.

In the residential zones (Table 5-2.2.020), Group Care Homes are permitted with special standards in the RL, RG, and RC zones. Group Care Facilities are permitted in the RG and RC zones but are not permitted in the RL zone while multi-unit dwellings are permitted. In commercial zones (Table 5-2.3.020), residential uses, including Group Living, are allowed if dwellings do not occupy the ground floor space fronting Main Street (unless lawfully existing as of 11/24/2005).

Status	Recommendation
Partially Complies	Permit with special standards Group Care Facilities in the RL zone. The special standards can refer to the existing special standards for group living in section 5-2.2.100.D. Amend terminology used in table 5-2.2.020 to match the residential home and residential facility terms defined in 5-6.1.030 for added clarity.

Transitional Housing Accommodations (ORS 197A.452)

Cities may allow transitional housing accommodations (temporary accommodations for people lacking safe and secure housing) and may limit length of stay. This is a permissive statute. Cities are authorized but not required to allow transitional housing.

Findings

Section 5-1.3.470 (Religious Institutions and Places of Worship) defines a transitional housing unit as a housing unit for one household where the average length of stay is less than 60 days.

The code does not define transitional housing or include standards that regulate transitional housing. No provisions for permitting transitional housing accommodations (yurts, huts, cabins, fabric structures, tents) were found.

Status	Recommendation
Codification N/A	While not required, consider defining transitional housing accommodations in Section 5-6.1 and establishing zones or conditions under which they may be permitted.

Hotel/Motel Conversion to Shelter or Affordable Housing (ORS 197A.449)

The City must allow the conversion of hotels or motels to emergency shelters or affordable housing within urban growth boundaries, subject only to building code compliance, occupancy limits, and siting and design standards that do not prohibit conversion through unreasonable cost or delay.

Findings

The statute is self-executing (conversion is not a land use decision), but the code contains no provisions acknowledging this right.

Status	Recommendation
Codification Recommended	Adopt provisions acknowledging that conversion of hotels/motels to emergency shelter or affordable housing is not a land use decision, subject to statutory exemptions (heavy industrial, inadequate transportation access, natural hazard areas).

Emergency Shelter Siting (ORS 197.783)

The City must approve emergency shelter applications on any property regardless of local zoning, land use regulations, or statewide planning goals if they do not pose an unreasonable risk to public health or safety.

Findings

The statute is self-executing. The code does not acknowledge this requirement. Section 5-1.3.420 references mass shelters as Community Service uses, which is subject to a conditional use in the RL and RG zones when limited to 2,000 square feet and a conditional use in the RC zone when a shelter exceeds 2,000 square feet. Community Service uses are permitted in the RC zone when limited to 2,000 square feet and not permitted in RL and RG zones when exceeding 2,000 square feet. However, ORS 197.783 overrides local zoning for qualifying shelters.

Status	Recommendation
Codification Recommended	Consider adopting provisions acknowledging that emergency shelters meeting the six operational standards shall be approved on any property (except natural hazard areas) and that such approval is not a land use decision.

Affordable Housing

Affordable Housing Allowed Outright; Commercial Conversion (ORS 197A.445 (1-8))

Amended by SB 8 (2021)

The City must allow qualifying affordable housing on property owned by a public body, religious corporation, affordable housing nonprofit, housing authority, or manufactured dwelling park cooperative, or on property zoned for commercial uses, religious assembly, or public lands.

Findings

The code definition of affordable housing is not consistent with ORS 197A.445(1). It defines “affordable” as housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. ORS 197A.445(1) includes specifics and states that affordable housing means residential property in which:

- Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of area median income;
- The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or
- A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income; and
- Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.

There are no provisions in the code for allowing affordable housing outright on qualifying sites. There are also no SDC exemption/reduction or parking limitation provisions found in the code.

Status	Recommendation
Does Not Comply	Adopt comprehensive affordable housing siting provisions: (1) definition consistent with ORS 197A.445(1); (2) outright allowance on qualifying sites; (3) SDC exemption

	or reduction; (4) parking limitations. Apply natural hazard, steep slope, and floodplain exemptions.
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Affordable Housing Density and Height Bonus (ORS 197A.445 (9-10))

Amended by SB 8 (2021)

Cities must provide a density and height bonus for affordable housing projects on properties zoned for residential uses. The density and height bonus must be at the greater of any local density bonus for affordable housing or specified heights and densities in ORS 197A.445(9)(b) without consideration for local density bonus for affordable housing. City may reduce density or height bonus to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

Findings

No density or height bonus provisions for affordable housing were found. The code does not establish any incentive structure for affordable housing development.

Status	Recommendation
Does Not Comply	Adopt density and height bonus provisions for affordable housing in RL, RG, RC, D, and GC zones. Include affordable housing definition consistent with ORS 197A.445 and provisions for the limited health/safety/habitability reduction.

Residential Use of Commercial Lands for Affordable Housing (ORS 197A.460)

Amended by HB 3395 (2023)

The City must allow affordable residential or mixed-use development on commercially zoned land within urban growth boundaries, regardless of existing zoning or comprehensive plan provisions.

Findings

No provisions for affordable housing redevelopment of commercial land were found. The code does not address residential density standards for housing on D or GC zoned land and allows all residential uses if they do not include first floor dwellings occupying space fronting Main St (unless lawfully existing as of November 24, 2005). No standards specific to affordable housing exist.

Status	Recommendation
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**Does Not
Comply**

Adopt provisions allowing qualifying affordable housing on D and GC zoned land: (1) qualifying criteria (60% AMI or mixed-use with 80–120% AMI); (2) applicable residential development standards; (3) exemptions for vacant land, recent UGB additions, natural hazard areas.

Appendix B | Clear and Objective Code Audit

Detailed Findings

Below is a detailed analysis of the John Day Development Code compliance with ORS 197A.400 regarding clear and objective standards. The analysis includes only those sections in which non-clear and objective language was identified and is organized by code article and section. For each section, the analysis explains why the language does not meet the clear and objective standard.

Article 5-2.2: Residential Land Use Districts

5-2.2.020 Allowed Land Uses | Primary

Zones affected: RL, RC

Section	Language	Note
Table 5-2.2.020	<i>Manufactured Home Park: CU in RL zone</i>	Manufactured home parks in the RL zone require a Conditional Use Permit, with no C&O alternative pathway.
Table 5-2.2.020	<i>Manufactured Home Park: CU in RC zone</i>	Manufactured home parks in the RC zone require a Conditional Use Permit, with no C&O alternative pathway.

5-2.2.030 Development Standards | Primary

Zones affected: RL, RG, RC

Section	Language	Note
Table 5-2.2.030, Special Setback	<i>"The City may require a minimum setback of up to 40 feet, measured from the street centerline to any structure, when a structure would abut a street containing less than the standard right-of-way for the subject street classification."</i>	Discretionary with no criteria specifying when this authority is exercised.

5-2.2.050 Infill Standards | Uncertain Track

Zones affected: RL, RG, RC (pre-2005 plats)

Context: The base setback in Table 5-2.2.030 (15 ft in RL/RG, 10 ft in RC) is C&O. Section 5-2.2.050 provides an alternative reduced setback based on "similar" to adjacent residences. If applicants can always elect the Table 5-

2.2.030 setback, this section is an optional alternative and not a C&O concern. If the code or local practice treats the infill standard as mandatory for pre-2005 lots, the following provision is on the primary pathway.

Section	Language	Note
5-2.2.050.A	<i>Front yard setback "similar" to nearest residence(s). "Similar" means the setback is equal to or within 5 feet of the setback provided by the nearest single family residence on the same side of the street."</i>	"Similar" is defined quantitatively but requires site-specific comparison.

5-2.2.090 Residential Districts - Building Orientation | Primary

Zones affected: RL, RG, RC

Section	Language	Note
5-2.2.090C.3	<i>"Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 5-2.2.090C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:"</i>	Unclear what would "adversely affect pedestrian safety and convenience"

5-2.2.100 Special Use Standards | Primary

Zones affected: RL, RG, RC

5-2.2.100A - Accessory Dwellings

Section	Language	Note
5-2.2.100A.7	<i>"The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family dwelling."</i>	Discretionary with no criteria for when the requirement is triggered.

5-2.2.100F Manufactured Homes

This section is flagged in the Appendix A: Statutory Compliance, but it is also included here for the City's reference that the standards are not clear and objective.

Section	Language	Note
5-2.2.100F.3	<i>"The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences."</i>	"Similar or superior" requires aesthetic judgment. Example provides some guidance but does not eliminate subjectivity.
5-2.2.100F.4	<i>"the garage or carport shall be constructed of materials like those used on the house."</i>	"Like those used" requires qualitative similarity judgment.

5-2.2.100G Manufactured Homes/Mobile Home Parks

Section	Language	Note
5-2.2.100G.4	<i>"the City may require installation of fencing and planting of a 10-foot wide landscape buffer... for the privacy and security of residents or aesthetics of the streetscape."</i>	Discretionary with no criteria for when the requirement applies.
5-2.2.100G.5.b	<i>"exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences."</i>	"Similar or superior" requires aesthetic judgment. Example provides some guidance but does not eliminate subjectivity.

5-2.2.100H Multiple Family Housing

Section	Language	Note
5-2.2.100H.2.e	<i>"Projects in the Residential-Commercial District that provide pedestrian amenities between primary building entrance(s) and adjoining street(s) are required to provide a minimum</i>	Not clear if this is in addition to the 10 percent open space requirement or contributes to the 10 percent.

	<i>of 5 percent of the site in common open space;"</i>	
5-2.2.100H.2.f	<i>"If the park is not developed, or only partially developed, the approval body may require the multiple family housing developer to improve park land in an amount comparable to that which he or she would otherwise be required to provide in his or her development."</i>	May require is not clear, nor is what would be considered "partially developed"

5-2.2.100J Zero-Lot Line Housing

Section	Language	Note
5-2.2.100J.4	<i>"The building placement and/or design shall encourage privacy for the occupants of abutting lots... or other designs approved by the approval body through Site Design Review."</i>	"Encourage privacy" is subjective. Listed examples should be clear and objective, and "other designs approved by the approval body" is open delegation.

Article 5-2.3: Commercial Land Use Districts

The Downtown (D) and General Commercial (GC) zones allow housing, including mixed-use residential above ground-floor commercial. The following standards apply to housing development in commercial zones through Site Design Review.

5-2.3.030 Development Standards | Primary

Zones affected: D, GC

Section	Language	Note
Table 5-2.3.030, Special Setback	<i>"The City may require a minimum setback of up to 40 feet..." Same planned street improvement provision as 5-2.2.030.</i>	Discretionary with no criteria specifying when this authority is exercised.

5-2.3.060 Building Orientation | Primary

Zones affected: D, GC (40,000+ sq. ft. developments)

Section	Language	Note
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5-2.3.060.C.4	<i>Placing vehicle areas between the street right-of-way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways"</i>	Language is unclear if this is an alternative pathway at the applicant's discretion
5-2.3.060.D.3	<i>Walkways "as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking."</i>	"As necessary" and "reasonably safe, direct, and convenient" are subjective.

5-2.3.080 Architectural Design Standards | Primary

Zones affected: D, GC (new buildings and major remodels)

Context: Section 5-2.3.080 applies through Site Design Review to all new buildings and major remodels in commercial zones, including housing. Criteria B.1-7 (pedestrian orientation), C.1-7 (compatibility), and D.1-8 (human scale) contain pervasive subjective language. The code provides an optional alternative discretionary path ("equally good or superior") for subsections B and D; those alternatives are excluded as optional tracks.

5-2.3.080.C - Compatibility

Section	Language	Note
5-2.3.080.C.1	<i>"There is continuity in building sizes between new and existing buildings."</i>	"Continuity of building sizes" is undefined.
5-2.3.080.C.2	<i>"elevations and architectural detailing are compatible with adjacent commercial buildings."</i>	"Compatible" requires aesthetic judgment.
5-2.3.080.C.4	<i>"Roof elevation is compatible with adjacent commercial buildings."</i>	"Compatible" as applied to roof design requires aesthetic judgment.
5-2.3.080.C.5	<i>"There is continuity of building sizes on the site."</i>	"Continuity of building sizes" is undefined.
5-2.3.080.C.6	<i>"continuity in the orientation, proportion, and detailing of windows and doors."</i>	"Continuity in proportion and detailing" requires aesthetic judgment.

5-2.3.080.C.7	<i>"The relationship of buildings to public spaces... is strengthened."</i>	"Strengthened" is subjective with no measurable threshold.
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5-2.3.080.D - Human Scale

Section	Language	Note
5-2.3.080.D.1	<i>"Regularly spaced and similarly-shaped windows are provided on all building stories."</i>	"regularly spaced" and "similarly-shaped" are subjective.
5-2.3.080.D.4	<i>"appropriate architectural features... compatible with the surrounding architecture."</i>	"Appropriate" and "compatible" are subjective.
5-2.3.080.D.5	<i>"appropriate detailing... compatible with the surrounding architecture."</i>	"Appropriate detailing" and "compatible" are subjective.
5-2.3.080.D.6	<i>"detailing that is consistent with the surrounding architecture."</i>	"Consistent with the surrounding architecture" is subjective.
5-2.3.080.D.7	<i>"Historic design and compatibility requirements, where applicable, are met."</i>	Undefined external standard must also be clear and objective

Overlay Zones

5-2.4 Industrial Districts | Primary

Zones affected: Light Industrial (LI) where housing is permitted.

Section	Language	Note
5-2.4.030.F.1.	<i>The approval body may require additional landscaping, fences, walls or other buffering that exceed the landscaping standards</i>	It references various chapters where they may require more landscaping standards, but it's determined if it's necessary to mitigate things such as "aesthetic impacts"
5-2.4.030.F.2	<i>The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or</i>	Unclear when the approval body would require construction of pedestrian access

	<i>connecting to other streets or sidewalks.</i>	
5-2.4.050.A-C	<i>Industrial uses and developments shall be oriented on the site to accommodate multiple modes of transportation (pedestrians, vehicles, bicycles), to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) on adjacent uses, and to provide compatibility with adjacent uses to the extent practicable.</i>	The various standards in this section are to be determined by the City as a "may require" but not clear when it "may" require a standard

5-2.5 Airport Safety & Compatibility (AASC) | Primary

Zones affected: Properties within AASC overlay where housing is permitted.

Context: The AASC overlay implements federal FAA and state ORS 836/OAR 660 requirements. Residential properties within the overlay are limited. The following provisions contain local discretionary language.

Section	Language	Note
5-2.5.070.A	<i>Noise-sensitive uses: "demonstrate that a noise abatement strategy will... achieve an indoor noise level equal to or less than 55 Ldn."</i>	55 Ldn is measurable, but the "demonstrate" requirement introduces some subjectivity.
5-2.5.070.B	<i>"except where necessary for safe and convenient air travel and only as approved by the airport sponsor."</i>	External agency delegation without criteria.
5-2.5.110	<i>Avigation easement "shall be in a form acceptable to the airport sponsor."</i>	External delegation without criteria for acceptable form.

5-2.11 Innovation gateway (IG) Overlay | Primary

Zones affected: Properties within IG overlay in the South Sub-District

Section	Language	Note
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5-2.11.060.D.2.a	<i>Block layout patterns shall be consistent with development concepts described in the John Day Innovation Gateway Plan</i>	The referenced gateway plan must also be C&O.
5-2.11.070.B.2-3	<i>Pedestrian-orientation standards must have "walkways" and building entrances with weather protection</i>	It is unclear what would be considered a "walkway" - certain width for a walkway or material? Similarly,
5-2.11.070.C	<i>Design standards reference "compatible" development and "appropriate" transitions.</i>	Same subjective patterns as 5-2.3.080.
5-2.11.090.B.4	<i>Pedestrian scale lighting is required for the public walkways, plazas, and courtyards within areas that are open to the public after dark.</i>	Not clear what is considered "pedestrian scale lighting"

Article 5-3: Community Design Standards

5-3.0 Design Standards Administration

Section	Language	Note
5-3.0.020	<i>The City of John Day Planning Official, in consultation with the Public Works Director, shall determine which provisions of Article 5-3 apply to a particular project.</i>	Decision bodies determine applicability without criteria.

5-3.1 Access and Circulation | Primary

Zones affected: All residential and commercial zones

5-3.1.020 - Design Standards - Applicability

Section	Language	Note
5-3.1.020.D	<i>The City may require a traffic study...</i>	"May require" is discretionary.
5-3.1.020.E	<i>The City or other roadway authority, as applicable, may require the</i>	Unclear when they would require these standards since the threshold is "to ensure

	<i>closing or consolidation of existing curb cuts or other vehicle access points...</i>	the safe and efficient operation of the street and highway system"
5-3.1.020.G	<i>The number of street access points... shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users.</i>	"Shall be minimized" is undefined
5-3.1.020.H	<i>The number of driveway and private street intersections with collector and arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible.</i>	"Shall be minimized" is undefined
5-3.1.020.I, 2-3	<i>When necessary for traffic safety and access management purposes, or to access flag lots, the City may require...</i>	"May require" is discretionary, as well as language in the list of requirements
5-3.1.020.K.2	<i>Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians...</i>	"Unobstructed view" is undefined
5-3.1.020.K.3.c	<i>Where no sidewalk exists and the Public Works Director determines that sidewalk improvements in the vicinity are unlikely in the future, a paved apron extending 10 feet behind the right-of-way is required</i>	PWD approval delegation.
5-3.1.020.L	<i>The drive shall contain unobstructed adequate aisle width (14-20 feet) and turn-around area for emergency vehicles.</i>	"Adequate" and turn-around area are undefined
5-3.1.020.N	<i>The minimum vision clearance area may be modified by the Public Works Director upon finding that more or less sight distance is required...</i>	PWD determines conditions without C&O criteria.

5-3.1.020.O.1	<i>The City may impose turning restrictions...for safety and to maintain adequate traffic operations...</i>	"Adequate" undefined; PWD approval delegation.
5-3.1.020.Q.1-4	<i>The Public Works Director may also require... When approved by the Public Works Director...</i>	PWD approval delegation.

5-3.1.030 - Pedestrian Access and Circulation

Section	Language	Note
5-3.1.030.A	<i>To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings shall provide a continuous pedestrian system within the development site that connects to the public right-of-way, regardless of whether a public sidewalk currently exists</i>	Not clear that safe, direct, and convenient pedestrian circulation can be met by meeting subsections 1-4
5-3.1.030.A.1	<i>The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable</i>	"To the greatest extent practicable" is undefined
5-3.1.030.A.2.a-c	<i>Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions</i>	Definitions and "safe, reasonably direct, and convenient connections" are unclear
5-3.1.030.A.3.b	<i>Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site</i>	"To the greatest extent practicable" is undefined

	<i>adjacent uses to the site to the extent practicable</i>	
5-3.1.030.B.3	<i>Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director</i>	PWD determines approval of materials

Article 5-3.2: Landscaping, Street Trees, Fences and Walls

5-3.2.030 Landscaping and Screening | Primary

Zones affected: All new developments requiring Site Design Review

Section	Language	Note
5-3.2.030.E.1	<i>Yard Setback Landscaping. Landscaping in yards shall: ..."Provide visual screening and privacy", "Consider the root and canopy growth characteristics"</i>	This section is unclear throughout the requirements by using phrases like "consider", "provide focal points"
5-3.2.030.E.3.c	<i>Such screening shall be provided by a decorative wall (i.e., masonry, architectural quality vinyl, or similar quality material)...</i>	Decorative wall undefined
5-3.2.030.F	<i>All yards and landscape areas, regardless of whether such areas are required by this Code, shall be maintained in good health, with sufficient irrigation and care</i>	"Good health" and "sufficient irrigation" undefined

5-3.2.050 Fences and Walls | Primary

Zones affected: All new developments requiring Site Design Review

Section	Language	Note
5-3.2.050.A.3	<i>The allowable height of a fence or wall may be restricted to less than</i>	PWD determines conditions without C&O criteria.

	<i>the dimensions under subsection 5-3.2.050(A)(2) to maintain required sight distance at a street intersection or driveway approach, as determined by the Public Works Director.</i>	
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Article 5-3.3: Parking and Loading

5-3.3.030 Automobile Parking Standards | Primary

Section	Language	Note
5-3.3.030.B.2	<i>Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway</i>	"Close proximity" and "unobstructed path" are undefined
5-3.3.030.B.3	<i>Accessible spaces shall be grouped in pairs where possible</i>	"Where possible" is undefined

Article 5-3.4: Public Facility Standards

5-3.4.010 Transportation Standards | Primary

Zones affected: All zones

Section	Language	Note
5-3.4.010.A.1	<i>"adequate transportation facilities"</i>	"Adequate" is undefined.
5-3.4.010.E	<i>"appropriate relation to the proposed use of the land"</i>	"Appropriate relation" is subjective.
5-3.4.010.F	<i>ROW widths modified for "unique and specific conditions... as determined by the Public Works Director"</i>	PWD determines applicability
5-3.4.010.G.3	<i>"...o avoid or minimize through traffic on local streets"</i>	"Avoid" or "minimize" without criteria.

5-3.4.010.G.5	<i>"The City may also require developers to provide an accessway where the creation of a cul-de-sac or dead-end street is unavoidable..."</i>	"May also require" is discretionary.
5-3.4.010.I.2	<i>Street extensions "when the City determines that the extension is necessary"</i>	"Necessary" unclear without criteria.
5-3.4.010.L	<i>"as near to a right angle as practicable"</i>	"As practicable" is a judgment standard.
5-3.4.010.N	<i>"negatively impact vehicle and pedestrian circulation"</i>	"Negatively impact" is undefined.
5-3.4.010.Q	<i>"The development design shall include one or more of the following, as required by the City based on multimodal safety"</i>	Decision body determines applicability without criteria, "multimodal safety" and "minimize traffic conflicts" unclear criteria
5-3.4.010.Q.2	<i>"...to provide adequate arterial buffering with access taken from the subordinate street."</i>	"Adequate arterial buffering" is undefined.
5-3.4.010.Q.3	<i>"Screen planting within a non-access reservation..."</i>	"Screen planting" is undefined
5-3.4.010.Q.4	<i>"Other treatment approved by the decision body, consistent with the purpose of this Chapter."</i>	Decision body determines without criteria.
5-3.4.010.X	<i>"additional street lights... may be required by the City"</i>	Discretionary applicability without C&O criteria or requirement.

5-3.4.020 Public Use Areas | Primary

Zones affected: All zones

Section	Language	Note
5-3.4.020.A.1	<i>"...the City may require the public dedication or reservation of this area on the final plat for the subdivision..."</i>	Discretionary applicability without C&O criteria.

5-3.4.020.A.3	<i>"Alternatively, the City may impose conditions of approval providing for reservation and ongoing ownership, improvement and maintenance of open space areas"</i>	Discretionary applicability without C&O criteria
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5-3.4.030 Sanitary Sewer and Water| Primary

Zones affected: All zones

Section	Language	Note
5-3.4.030.C	<i>"The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area"</i>	Discretionary applicability of requirement.
5-3.4.030.D	<i>"threat to public health or safety"</i>	Threshold for "threat" is undefined.
5-3.4.030.E	<i>"...where the City has limited ability to serve new development, a developer may be required to install a water storage reservoir"</i>	"Limited ability" undefined; discretionary applicability.

5-3.4.040 Storm Drainage| Primary

Zones affected: All zones

Section	Language	Note
5-3.4.040.A	<i>"adequate provisions for storm water and flood water runoff"</i>	"Adequate" is undefined.
5-3.4.040.B	<i>"approval by the Public Works Director"</i>	PWD approval of sizing without criteria.
5-3.4.040.D	<i>"The Public Works Director may require..."</i> <i>"stormwater management best practices, as specified by the Public Works Director"</i>	PWD determines applicability and requirements.

5-3.4.040.E	<i>"The City may require as a condition of development approval that any public storm drainage system serving new development be sized to accommodate future development..."</i>	Discretionary applicability of requirement.
5-3.4.040.F	<i>"adequate for conveyance and maintenance"</i>	"Adequate" is undefined.

5-3.4.050 Utilities | Primary

Zones affected: All zones

Section	Language	Note
5-3.4.050.A.1	<i>"City may require screening and buffering"</i>	Discretionary applicability.
5-3.4.050.A.2.b	<i>"City reserves the right to approve the location"</i>	Blanket approval authority.
5-3.4.050.A.2.d	<i>"Stubs for service connections shall be long enough to avoid disturbing the street improvements..."</i>	Discretionary applicability.

5-3.4.060 Easements | Primary

Zones affected: All zones

Section	Language	Note
5-3.4.060.A	<i>"determined by the Public Works Director"</i>	PWD determines width without criteria.
5-3.4.060.B	<i>"as determined by the Public Works Director"</i>	PWD determination without criteria.

5-3.4.080 Installation | Primary

Zones affected: All zones

Section	Language	Note
5-3.4.080.B	<i>"conform to the recommendations of the Public Works Director"</i>	Open delegation.

5-3.4.080.E	<i>"to the satisfaction of the City"</i>	Open delegation.
5-3.4.080.F	<i>"are of high grade"</i>	"High grade" is undefined.

5-3.4.090 Performance Guarantee | Primary

Zones affected: All zones

Section	Language	Note
5-3.4.090.A	<i>"An acceptable assurance for the balance of said improvements"</i> <i>"acceptable to the City"</i>	Explicit discretion without criteria.

Article 5-4: Administration and Procedures

5-4.2.050 Site Design Review - Application Submission Requirements | Primary

Zones affected: All zones requiring Site Design Review (multifamily, attached, zero-lot-line, mixed-use)

Section	Language	Note
5-4.2.050.A.1	<i>"The City shall advise as to the scope of the study"</i>	Open-ended requirements
5-4.2.050.A.2	<i>"Traffic Impact Analysis, if required by the City or other road authority"</i>	Open-ended requirements

5-4.2.060 Site Design Review - Approval Criteria | Primary

Zones affected: All zones requiring Site Design Review (multifamily, attached, zero-lot-line, mixed-use)

Section	Language	Note
5-4.2.060.A.5	<i>"Adverse impacts to adjacent properties... are avoided; or where impacts cannot be avoided, they are minimized."</i>	Balancing standard, avoidance or minimization without measurable thresholds.

Article 5-4.3: Land Divisions

5-4.3.020 General Requirements | Primary

Zones affected: All zones

Section	Language	Note
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5-4.3.020.H	<i>"adequate public utilities"</i> <i>"...prevent or minimize flood damage, and to avoid impairment of the system..."</i>	"Adequate" is undefined. "Prevent" and "minimize" without measurable thresholds.
5-4.3.020.I	<i>"adequate surface water drainage"</i> <i>"...reduce exposure to flood damage and improve water quality."</i>	"Adequate" is undefined. "Reduce exposure" and "improve" without measurable thresholds.
5-4.3.020.J	<i>"sufficient open land area" "when practicable" "...a suitable elevation..."</i>	"Sufficient," "suitable," "practicable" are subjective.

5-4.3.030 Pre-Planning for Large Sites | Primary

Zones affected: All zones

Section	Language	Note
5-4.3.030.D	<i>"identifiable centers"</i> <i>"readily accessible to neighborhood commercial uses..."</i> <i>"streets are interconnected to the extent practicable"</i> <i>"given prominent sites"</i>	"Identifiable centers" is undefined. "Readily accessible," "to the extent practicable," and "prominent sites" are subjective.

5-4.3.050 Modification of Preliminary Plat | Primary

Zones affected: All zones

Section	Language	Note
5-4.3.050.B	<i>"Planning Official requires that a Type II or Type III procedure is required due to changes."</i>	No stated criteria for when changes trigger upgrade. This is also addressed in the Statutory Compliance review.

5-4.3.060 Application Submission | Primary

Zones affected: All zones

Section	Language	Note
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5-4.3.060.B.2.m	<i>"Other information, as deemed necessary by the City Planning Official."</i>	Open-ended information request.
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5-4.3.070 Approval Criteria and Conditions | Primary

Zones affected: All zones

Section	Language	Note
5-4.3.070.B.4	<i>"Landscape or other screening may be required to maintain privacy."</i>	Discretionary applicability.
5-4.3.070.C	<i>"The City may attach such conditions as are necessary to carry out provisions of this Code."</i>	Blanket authority, open delegation.

5-4.3.0130 Re-Platting and Vacation of Plats | Primary

Zones affected: All zones

Section	Language	Note
5-4.3.130.F	<i>"The City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way"</i>	Discretionary applicability.

Appendix C: Master Planned Development Audit

Detailed Findings

CP conducted a review of John Day Municipal Code Section 5-4.5.030 Master Planned Development (MPD) based on the issues raised in the August 2025 HAPO complaint filed against the City. A full analysis of the primary code provisions involved is provided in Section 4 of the Code Audit Memo.

Overview:

The core regulatory issue identified in CP's review of the relevant standards and background of the complaint is that the Code does not clearly establish how MPD-approved modifications to Article 5-3 standards carry forward into subsequent reviews of the subject development. This contributed to Article 5-3 standards being applied independently of modifications already approved through the MPD process, which was the substance of the HAPO complaint.

Draft Amendments Approach:

The recommended amendments address the core issue identified in the analysis through three coordinated amendments:

- Scope clarification language would be added to Section 5-4.5.100(C) and Section 5-4.5.030(B)(3) to establish that subsequent reviews within an approved MPD are evaluated against the approved MPD record rather than base code standards.
- Section 5-4.5.040 would be amended to make explicit that approved modifications carry forward to all subsequent reviews, with a clear pathway for revisiting those modifications through the detailed development plan criteria in Section 5-4.5.090 or a major modification under Section 5-4.6.
- Submittal requirements would be added to Sections 5-4.5.050 and 5-4.5.080 to create a documented record of MPD modifications to Articles 2 and/or 3 at each review stage.

Together, these amendments would operationalize the obligation that MPD-approved modifications govern subsequent reviews currently established in 5-4.5.070(A) and close the gaps in the MPD approval process that contributed to the issues raised in the HAPO complaint.

Analysis:

The following table identifies the primary development code provisions involved in the HAPO complaint filed against the City of John Day (August 2025). It includes the full text of the relevant standard, how it was involved in the complaint, and a draft of recommended amendments to the code sections (if any).

Table C-1. Analysis of JDDC Provisions Related to the 2025 HAPO Complaint

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
5-2.2 Residential Land Use Districts			
5-2.2.100(H) Residential Districts - Special Use Standards	(H) Multiple Family Housing. <i>Where multiple family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses.</i> [Standards include building mass limits, common open space minimums, and private open space requirements for ground-floor and upper-floor units.]	5-2.2.100(H) establishes access and circulation standards for multi-family housing, including driveway spacing, lane width, backing restrictions, and pedestrian walkways. The MPD-21-02 staff report's earlier characterization of the development as single-family homes and duplexes created ambiguity about whether this provision applied, which was resolved in Land Use Review (LUR) 25-01 by affirming that multi-family development had been contemplated under the master plan and evaluating each standard individually.	NO AMENDMENT RECOMMENDED The standard itself was not an issue, only whether it applied, and that question was resolved by the final approval. No change to this section is recommended.
5-3.1 Access and Circulation			
5-3.1.020(F)(2) Vehicular Access and Circulation - Access Spacing - Collector Streets	(2) Collector Streets. <i>A minimum of 50 feet separation between driveways (as measured from centerlines of the driveways) is required on collector streets, except that driveways may be consolidated and adjoin each other for more than one dwelling and meet this standard.</i>	The MPD-21-02 staff report finding had stated 'No Collector Streets are proposed as part of the Master Plan Development.' During the LUR 25-01 review, city staff applied this standard because Bunchgrass Road appears as a future collector in the Local Street Network Plan, requiring 50-ft driveway spacing. The LUR 25-01 approval resolved the issue by affirming Bunchgrass Road's local street	NO AMENDMENT RECOMMENDED The standard as written was not at issue, rather a process discrepancy in identification of the applicable street class.

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
		classification per the master plan finding, determining the 50-ft spacing requirement did not apply.	
5-3.1.020(K)(1) Vehicular Access and Circulation - Access Connections and Driveway Design - Driveway Width	<i>(b) For two-way access, each lane shall have a minimum width of 9 feet and a maximum width of 11 feet.</i>	The MPD-21-02 staff report deferred compliance with this standard to future development review, stating 'all proposed driveways are to meet these standards.' During the LUR 25-01 review, city staff identified the proposed 24-ft driveway width (12 ft per lane) as exceeding the 11-ft per lane maximum under 5-3.1.020(K)(1)(b). The LUR approval ultimately accepted the 24-ft width, finding it preferable for accommodating emergency vehicles and providing pedestrian buffer space at the driveway fringes.	NO AMENDMENT RECOMMENDED The issue was a compliance question that arose during the LUR 25-01 review and was resolved through allowances for emergency access.
5-3.1.020(O)(2) Vehicular Access and Circulation - Conditions and Exceptions -	<i>(2) Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.</i>	The MPD-21-02 staff report deferred compliance with this standard to future development review. During the LUR 25-01 review, city staff identified that four proposed structures with individual driveways onto Bunchgrass Road would require vehicles to back onto a public street, which 5-3.1.020(O)(2) prohibits except for single-family dwellings. The development's multi-family classification meant the single-family exemption did not apply. The LUR 25-01 approval resolved the issue by finding that backing onto a	NO AMENDMENT RECOMMENDED The issue was resolved through a safety-based finding relying on the local street classification established by the master plan and a confirmed sight distance study.

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
		right-of-way is acceptable for a local street at 25 mph design speed, relying on the local street classification established by the master plan approval and the 25 mph design speed confirmed by a Sisul Engineering sight distance study.	
5-3.1.030(A) and (A)(1) Pedestrian Access and Circulation	(A) Site Layout and Design. <i>To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings shall provide a continuous pedestrian system within the development site that connects to the public right-of-way, regardless of whether a public sidewalk currently exists.</i> (1) Continuous Walkway System. <i>The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable.</i>	During the LUR 25-01 review, city staff identified the absence of an internal pedestrian walkway system as an unmet approval criterion under 5-3.1.030. The MPD-21-02 staff report finding had approved a 5-ft paved shoulder in lieu of sidewalks and deferred pathway details to future phases. LUR 25-01 Condition of Approval #3 resolved the issue by requiring a minimum 4-ft pedestrian connection between North Ridge Road and South Ridge Road prior to building permit issuance. ADA compliance was not required for the connection, based on the master plan's finding that ADA pathways were not proposed.	NO AMENDMENT RECOMMENDED The standard itself was not at issue, and the MPD modification waiving sidewalk requirements was carried through to the LUR review, and the pedestrian pathway issue was resolved through an ADA waiver in LUR 25-01.
5-4.5 Master Planned Developments			
5-4.5.030(B) Review and Approvals Process	(B)(1) <i>The Master Planned Development (PD) overlay zone, and Concept Plan shall be reviewed together using the Type III procedure in Section 5-4.1.040, the submission requirements in Section 5-4.5.050, and the</i>	5-4.5.030(B) establishes the review type for each step of the MPD process. Subsection (B)(2) establishes that the detailed development plan review is intended 'to ensure substantial	AMENDMENTS RECOMMENDED Add review criteria specific to site design review applications and subdivision plats within an approved MPD, either as a new subsection of 5-

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
	<i>approval criteria in Section 5-4.5.060. (The overlay zone approval is a quasi-judicial decision requiring findings under Chapter 5-4.5 only; it is not a legislative decision under Chapter 5-4.7.)</i> (B)(2) <i>The detailed development plan shall be reviewed using the Type I procedure in Section 5-4.1.020, to ensure substantial compliance with the approved concept plan.</i> (B)(3) <i>Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type I procedure, as governed by Section 5-4.1.020.</i> (B)(4) <i>Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in Section 5-4.5.030.A, above. Notification and hearings may be combined.</i>	compliance with the approved concept plan'. Criteria for the detailed development plan are outlined in 5-4.5.090. Subsection (B)(3) establishes that preliminary subdivision plats and site design review applications (the provision directly applicable to LUR 25-01) are subject to a Type I review but does not define an intent for that review. 5-4.5.100 provides additional procedural requirements tied to these reviews, but there are no specific review criteria tied to subdivision plats and site design review applications for parcels with approved MPDs.	4.5.100 or as a standalone subsection. The criteria should clarify that such reviews are limited to compliance with the approved concept plan, conditions of approval, and any standards not modified under 5-4.5.040, and any detailed development plan and its conditions of approval, whether prior or concurrent. The updated process should be consistent with ORS 197A.146. Update (B)(2) and (B)(3) to cross-reference the applicable criteria subsections, paralleling the structure already used in (B)(1).
5-4.5.040 Modifications to Standards	<i>The Planning Commission may approve modifications or adjustments to the standards in Article 5-2 and/or Article 5-3 through the master plan approval without the need for variances upon finding that all of the following criteria are met:</i> A. Comprehensive Plan. <i>The modification or adjustment is consistent with the policies of the Comprehensive Plan, and equally or better meets the intent of the Development Code section(s) to be modified, as compared to a</i>	5-4.5.040 is the provision that authorizes the Planning Commission to approve modifications to Article 5-2 and 5-3 standards through the MPD approval process without requiring variances. The 2021 MPD-21-02 approval utilized this section to modify several Article 5-3 standards, including waiving sidewalks and street lighting requirements. The subsequent LUR 25-01 review applied these Article 5-3 standards without clear	AMENDMENT RECOMMENDED Add a clause explicitly outlining that modifications of Articles 5-2 and 5-3 standards approved under this section in the MPD review carry forward in all subsequent reviews of the development. Any changes to such approvals would be subject to the detailed development plan review criteria in 5-4.5.090, or if in excess of that, through a major modification

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
	<i>project that strictly conforms to code standards.</i> B. Public Benefit. <i>The modification or adjustment shall result in an overall net benefit to the public through greater variety of housing, greater affordability in housing, more open space or more usable open space, greater protection of natural features, greater protection of scenic views or vistas, avoidance of natural hazards (e.g., geological hazards, streams, or other drainageways), exemplary architecture, improved transportation connectivity, improved pedestrian facilities, and/or similar benefits in new development. In evaluating this criterion, the Planning Commission shall consider whether the proposal on balance exceeds the City's minimum requirements.</i> C. Public improvement standards and engineering design criteria <i>shall not be modified without variance to such standards approved by the Public Works Director. The City may grant such variances concurrently with the master planned development;</i> D. Residential densities <i>shall not exceed the density allowed under the applicable land use district in Article 5-2. Where the land use district allows a density bonus subject to Section 5-2.2.090, the total number of dwelling units shall not exceed the maximum density allowed by the district; and</i>	reference to what the MPD had already determined, which was a core issue in the HAPO complaint.	under 5-4.6. Include a note that standards explicitly deferred to future review under the MPD approval are not modifications under this section and remain subject to full review at the subsequent review stage. Note: This reinforces the provision in 5-4.5.070(A) which establishes that approved MPD sites remain subject to the MPD approved plan and conditions of approval.

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
	<i>E. Industrial and commercial uses, if not otherwise allowed in a Residential District, shall not be allowed in a Residential District master plan.</i>		
5-4.5.050 Overlay Zone And Concept Plan Submission	A. General Submission Requirements. <i>The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 5-4.1.040. In addition, the applicant shall submit the following:</i> <i>1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.</i> <i>2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.</i> <i>3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.</i> <i>4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 5-4.5.060.</i>	This section sets out the submission requirements for the MPD concept plan. This section was not directly at issue in the HAPO complaint.	AMENDMENT RECOMMENDED Add a specific submittal requirement for a document summarizing any requested modifications to the Article 5-2 and/or 5-3 standards. The document should list the section number and title of each standard being proposed for modification, the baseline requirement, and the proposed alternative approach.

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
	5. <i>Special studies prepared by qualified professionals may be required by the City Planning Official, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.</i> B. Additional Information. <i>In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:</i> 1. <i>Existing Conditions map, as defined in Section 5-4.2.050 - Site Design Review Application Submission Requirements;</i> 2. <i>Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);</i> 3. <i>Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);</i> 4. <i>Landscape concept (e.g., shows retention of existing vegetation and general planting areas);</i> 5. <i>Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);</i> 6. <i>Sign concept plan (e.g., locations, general size, style and materials of signs);</i>		

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
	7. <i>Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).</i>		
5-4.5.060(C) Overlay Zone and Concept Plan Criteria	(C) Article 5-2 and Article 5-3 Standards. <i>All of the land use, development, and design standards contained in Articles 2 and 3 are met, except as may be modified under Section 5-4.5.040.</i>	5-4.5.060(C) is an approval criterion for the MPD concept plan requiring that all Article 5-3 standards are met 'except as may be modified under 5-4.5.040.' This establishes that approved modifications in the MPD approval under 5-4.5.040 supersede the underlying standards. During the LUR 25-01 review, Article 5-3 standards were applied independently of the modifications approved under MPD-21-02, which was a core issue in the HAPO complaint.	NO AMENDMENT RECOMMENDED The existing language, 'except as may be modified under Section 5-4.5.040' is correct as written. The recommended amendments to 5-4.5.040 and 5-4.5.100(C) operationalize this provision without requiring changes to the approval criteria themselves.
5-4.5.070(A) Administrative Procedures	(A) Filing and Expiration. <i>After the City has approved a Master Planned Development (MPD), the project site shall carry the MPD designation and be subject to the provisions of this Chapter, the MPD approved plan, and any conditions of approval. Where a MPD approval expires, as provided under subsection 5-4.5.070(B), the MPD overlay shall no longer apply.</i>	This provision requires that after MPD approval, the site carries the MPD designation and remains subject to the approved plan and conditions of approval. This provision was not directly at issue in the HAPO complaint but relates to the core issue of discrepancies between the MPD review and the LUR review.	NO AMENDMENT RECOMMENDED This provision was not directly at issue in the HAPO complaint but establishes the existing legal basis for the obligation that MPD-approved modifications govern subsequent reviews, which the recommended amendments to 5-4.5.040 and 5-4.5.100(C) are intended to more clearly operationalize.

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
5-4.5.080 Detailed Development Plan Submission Requirements	<i>The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type III procedure.</i>	This provision was not involved in the HAPO complaint. It is called out in this review as a potential issue for future master plan developments as it designates the detailed development plan as a Type III review, in conflict with 5-4.5.030(B)(2) which designates this as a Type I review. In addition, 5-4.5.100(C) calls out that at the applicant's option the preliminary land division plats, land use reviews, and site design review can be combined under a single Type I review.	AMENDMENT RECOMMENDED Remove the Type III review requirement from 5-4.5.080. The Type I review required by 5-4.5.030(B)(2) should be updated to a Type II review process as a limited amount of discretion is involved in the decision. (The inconsistency is independent of the HAPO complaint but is recommended to be resolved to avoid future ambiguity.) Add a specific submittal requirement for a document summarizing all approved modifications to Article 5-2 and/or 5-3 standards from the MPD concept plan review. The document should list the section number and title of each standard modified and the approved alternative approach including any related conditions of approval.
5-4.5.100(C) Other Approvals - Streamlined Review Option	(C) Streamlined Review Option. <i>Applications for preliminary land division plats, land use reviews, and site design review applications that are part of a previously approved master planned development (detailed development plan) may be reviewed using a Type I procedure, rather than the conventional Type II procedure. This shall be the applicant's option,</i>	5-4.5.100(C) provided the basis for LUR 25-01 to be processed as a Type I review at the applicant's option. Neither this provision nor 5-4.5.030(B)(3), which also governs site design review applications within an approved MPD, defines the scope of that review or specifies that it must be evaluated against the approved MPD modifications rather than base	AMENDMENT RECOMMENDED Add language clarifying that reviews conducted under this provision are limited to compliance with the approved concept plan, including any modifications approved under 5-4.5.040 and any conditions of approval, and any detailed

Code Reference	Full Text of Standard	Role in Complaint	DRAFT Recommendation
	<i>provided the City Planning Official may elevate a Type I application to a Type II review.</i>	Article 5-3 standards, a distinction central to the HAPO complaint.	development plan and its conditions of approval, whether prior or concurrent. This amendment works in tandem with the scope clarification recommended for 5-4.5.030(B)(3) and is the most direct code change to address the core issue identified in the HAPO complaint.

CITY OF JOHN DAY
CITY COUNCIL MINUTES July 28, 2026

COUCILORS PRESENT:

Sherrie Rininger, Mayor
Ron Phillips, Councilor
Vern Pifer, Councilor
Heather Swank, Councilor
Meloni Cochran, Councilor
Bradley Hale, Councilor-Virtually

COUNCILORS ABSENT

STAFF PRESENT:

Melissa Bethel, City Manager
Don Gabbard, Fire Chief
Todd Loyd, Lead PW

Agenda Item No. 1—Call Meeting to Order

The City Council meeting was called to order at 6:30 pm.

Agenda Item No. 2—Pledge of Allegiance

The City Council stood for the Pledge of Allegiance.

Agenda Item No. 3—Roll Call and Attendance

All councilors were present. Councilor Hale joined virtually.

Agenda Item No. 4—Amend or Accept Regular Agenda

Councilor Cochran moved and Councilor Pifer seconded to Accept the Regular Agenda. Agenda passed unanimously.

Agenda Item No. 5—Public Comments

Paul Smith: Smith discussed the City of La Grande's proposal to consider a 35-cent-per-gallon local gas tax or a street user fee to be put on the ballot in November to help with the street fund. Smith discussed SRS Funding and the importance of city and county leaders working together.

Agenda Item No. 6—Consent Agenda

- a. Minutes of CC Mtg June 23, 2026
- b. AP through 7-14-26

Councilor Cochran moved and Councilor Phillips second to approve the consent agenda. Motion passed unanimously.

Agenda Item No. 7—WWTP Update

Council discussed the three options presented in the staff report.

1. Do we proceed with bidding the project to have funding contracts for each funding source?
2. EPA BAPA requirements & Waiver
3. Approve/Reject change order for Aqua Aerobics

Councilor Cochran moved and Councilor Pifer seconded to approve a change order from Aqua Arabic in the amount of \$27,680 and proceed with the project. Motion passed unanimously.

Agenda Item No. 8- Finance Update; Rob Gasling; Gaslin Accounting

Gaslin Reported fiscal year ended positively. Gaslin noted the city was under budget 30,000 while URA was 13,000 over resulting in an overall favorable year end outcome.

Agenda Item No. 9- IGA For Lane Council of Governments to permit IT related services for FY26-FY27

Bethel explained they it is the yearly IGA for IT contract services they perform for the city.

Councilor Swank moved and Councilor Cochran second to accept the IGA with LCOG in the amount of 18,564 and passed unanimously.

Agenda Item No. 10- resolution 26-08; a resolution referring a 3% tax on marijuana on the November General Election

Council discussed the potential of putting a tax on ballot and noted that the proposal has been under consideration for some time.

Councilor Cochran moved Councilor Pifer seconded and passed unanimously.

Agenda Item No. 11-reolution 26-09 a Resolution declaring certain personal property surplus and authorizing disposal (fill dirt);

Bethel explained that the City has a surplus of fill dirt and is looking for an opportunity to dispose of it.

Councilor Cochran moved and Councilor Philips seconded and passed unanimously.

Agenda Item No. 13-Discussion regarding purchase of street sweeper

Public Works lead Loyd discussed the different models with council.

Councilor Cochran moved and Councilor Philips seconded to purchase the Multihog street sweeper for the amount of 153,508.73 upon demo first payment due July 2027 and passes unanimously.

Agenda Item No. 14-Approval of Employee Handbook Fourth Amended and employee image and likeness release

Bethel outlined the new additions to the handbook, including CBA with the union and reviewed the image and likeness release.

Councilor Philips moved and Councilor Cochran seconded and passed unanimously.

Agenda Item No. 15-Hope 4 Paws council update

Paul Smith with Hope for Paws Organization reported increased program costs and higher spay/neuter voucher prices, while noting the program remains accessible to all and focused on preventing overpopulation. Smith thanked the council for their continued support.

Agenda Item No. 16- 2026 Member Voter Guide for FY27/28 LOC Legislative Priorities

Council discussed and picked 5 priorities to submit to LOC.

Agenda Item No. 17- Discussion regarding open council seat

Councilors discussed advertising for open council seat on radio, firehall press with a closing date of August 4.

Other Business:

Agenda Item No. 18—City Manager Comments

Bethel stated she is looking forward to the fair booth and introduced Sparky the Fire Dog. Sparky will be at the fair as well as an outreach for early childhood fire safety. He will also participate in future city activities helping to promote fire safety and community engagement.

Agenda Item No. 11—Mayor and Council Comments

Councilor Philips raised concerns about the bar ditch along 4th St leading to the airport. He met with the County Roadmaster and city employees to discuss possible solutions. Councilor Phillips stated the County said it would be the City's responsibility to fix the road.

Adjourn:

There being no further business before council the meeting was adjourned.

DRAFT

Report Criteria:

Report type: Invoice detail

Check.Type = {<>} "Adjustment" {AND} {<>} "EFT"

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount
ACS - ADVANCED CONTROL SYSTEMS							
07/27/2026	760905	1013	ACS - ADVANCED CONTROL SYSTEM	42490	03-000-63450	415.00	415.00
Total 760905:							415.00
AMAZON CAPITAL SERVICES, INC.							
07/27/2026	760906	1026	AMAZON CAPITAL SERVICES, INC.	131Q-7GFQ-V	06-000-64300	419.90	419.90
07/27/2026	760906	1026	AMAZON CAPITAL SERVICES, INC.	1FC3-KQR9-L	01-000-63800	94.80	94.80
07/27/2026	760906	1026	AMAZON CAPITAL SERVICES, INC.	1HL4-TV3H-M	01-000-64000	174.79	174.79
07/27/2026	760906	1026	AMAZON CAPITAL SERVICES, INC.	1KVT-L3GL-K	10-000-63800	12.89	12.89
07/27/2026	760906	1026	AMAZON CAPITAL SERVICES, INC.	1T19-L6TR-T	06-000-62650	349.00	349.00
Total 760906:							1,051.38
Baker County Pest Control LLC							
07/27/2026	760907	1042	Baker County Pest Control LLC	7768	01-050-62900	376.00	376.00
Total 760907:							376.00
CONSOLIDATED SUPPLY COMPANY							
07/27/2026	760908	1118	CONSOLIDATED SUPPLY COMPANY	S012903929.0	02-000-62500	596.31	596.31
Total 760908:							596.31
ED STAUB & SONS PROPANE							
07/27/2026	760909	1168	ED STAUB & SONS PROPANE	CL511092	26-000-63100	1,086.59	1,086.59
Total 760909:							1,086.59
GRANT COUNTY CHAMBER COMMERCE							
07/27/2026	760910	1212	GRANT COUNTY CHAMBER COMMERC	110711-2360	01-000-62650	150.00	150.00
Total 760910:							150.00
HARRISON HOLT							
07/27/2026	760920	17955	HARRISON HOLT	REFUND WTR	02-000-20130	4.60	4.60
Total 760920:							4.60
JORDAN ACKERMAN							
07/27/2026	760911	1286	JORDAN ACKERMAN	WTR CERT J	02-000-63500	102.00	102.00
Total 760911:							102.00
LANE COUNCIL OF GOVERNMENTS							
07/27/2026	760912	1314	LANE COUNCIL OF GOVERNMENTS	101588	10-000-63825	963.00	963.00
Total 760912:							963.00
LES SCHWAB TIRES							
07/27/2026	760913	1323	LES SCHWAB TIRES	10701286415	26-050-64701	1,523.05	1,523.05
07/27/2026	760913	1323	LES SCHWAB TIRES	1400486739	03-000-63400	319.98	319.98
07/27/2026	760913	1323	LES SCHWAB TIRES	1400486971	26-000-64700	213.99	213.99

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount
07/27/2026	760913	1323	LES SCHWAB TIRES	1400487066	26-000-64700	243.99	243.99
Total 760913:							2,301.01
Michael & Tawnya Kemper							
07/27/2026	760921	17960	Michael & Tawnya Kemper	REFUND WTR	02-000-20130	80.03	80.03
Total 760921:							80.03
NE-HI ENTERPRISES							
07/27/2026	760914	1374	NE-HI ENTERPRISES	32652	03-000-62500	4,102.09	4,102.09
Total 760914:							4,102.09
NocTel Communications Inc							
07/27/2026	760915	17825	NocTel Communications Inc	260669	03-000-64798	264.35	264.35
Total 760915:							264.35
RD MAC							
07/27/2026	760916	1441	RD MAC	23027-14489	06-000-64300	3,637.00	3,637.00
Total 760916:							3,637.00
REFUND 2026							
07/27/2026	760917	17865	REFUND 2026	WTRREFUND	02-000-20130	.00	.00
07/27/2026	760917	17865	REFUND 2026	WTRREFUND	02-000-20130	.00	.00
Total 760917:							.00
THE DYER PARTNERSHIP							
07/27/2026	760918	1667	THE DYER PARTNERSHIP	41603	02-000-63825	88.00	88.00
Total 760918:							88.00
VERIZON							
07/27/2026	760919	1538	VERIZON	6148192225	03-000-64798	158.36	158.36
Total 760919:							158.36
Grand Totals:							15,375.72

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
01-000-20000	.00	1,128.60-	1,128.60-
01-000-62650	228.52	.00	228.52
01-000-62900	188.00	.00	188.00
01-000-63800	23.94	.00	23.94
01-000-64000	174.79	.00	174.79
01-000-64798	188.20	.00	188.20
01-050-62650	78.52	.00	78.52
01-050-62900	188.00	.00	188.00
01-050-64798	58.63	.00	58.63

Report Criteria:

Report type: Invoice detail

Check.Type = {<>} "Adjustment" {AND} {<>} "EFT"

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Invoice Amount	Check Amount
ACS - ADVANCED CONTROL SYSTEMS							
08/03/2026	760923	1013	ACS - ADVANCED CONTROL SYSTEM	42561	03-000-62500	5,130.00	5,130.00
Total 760923:							5,130.00
AMAZON CAPITAL SERVICES, INC.							
08/03/2026	760924	1026	AMAZON CAPITAL SERVICES, INC.	14PF-NCJW-N	01-000-63800	86.42	86.42
08/03/2026	760924	1026	AMAZON CAPITAL SERVICES, INC.	19FM-LWGY-	16-000-64450	9.96	9.96
08/03/2026	760924	1026	AMAZON CAPITAL SERVICES, INC.	1CDL-FVXH-	06-000-63800	370.78	370.78
08/03/2026	760924	1026	AMAZON CAPITAL SERVICES, INC.	1NYH-L4C9-Y	03-000-63400	33.78	33.78
08/03/2026	760924	1026	AMAZON CAPITAL SERVICES, INC.	1T4J-Y6CH-J4	01-000-63800	67.59	67.59
08/03/2026	760924	1026	AMAZON CAPITAL SERVICES, INC.	1WFM-Y61H-6	16-000-64450	138.00	138.00
Total 760924:							706.53
CIS							
08/03/2026	760925	1103	CIS	PO-JND-I2026	10-000-63300	93,967.06	93,967.06
Total 760925:							93,967.06
RALLY NETWORKS							
08/03/2026	760926	17900	RALLY NETWORKS	10385462	03-000-64798	354.27	354.27
Total 760926:							354.27
TARGET SOLUTIONS LEARNING							
08/03/2026	760927	1587	TARGET SOLUTIONS LEARNING	INV146024	01-050-64450	1,772.24	1,772.24
Total 760927:							1,772.24
US POSTMASTER							
08/03/2026	760928	1533	US POSTMASTER	POSTAGE 072	03-000-63460	1,000.00	1,000.00
Total 760928:							1,000.00
Grand Totals:							102,930.10

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
01-000-20000	.00	13,767.37-	13,767.37-
01-000-63300	7,893.23	.00	7,893.23
01-000-63800	154.01	.00	154.01
01-000-63950	200.00	.00	200.00
01-000-64798	88.57	.00	88.57
01-050-63300	3,570.75	.00	3,570.75
01-050-64450	1,772.24	.00	1,772.24
01-050-64798	88.57	.00	88.57
02-000-20000	.00	17,071.55-	17,071.55-
02-000-62900	2,565.00	.00	2,565.00



REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED:			
Ordinance ☐	Resolution ☐	Motion X	Information ☐
Date Prepared: 8/4/26		Dept.: City Manager's Office	
SUBJECT: Appointment for Council Vacancy		Contact Person for this Item: Melissa Bethel, City Manager, bethelm@johnday-org.gov 541 575 0028 ex 4224	

SUBJECT: Vacant council seat previously held by Chris Labhart for the remainder of a four-year term ending in 2028.

BACKGROUND:

The City of John Day received one application for the vacant council position. The sole applicant is Steve Courtney, who has resided in John Day for over two years and is employed as a Forest Products Consultant with the Beck Group. Per his application Mr. Courtney has an extensive record of public service which include:

Grant District #3 School Board (1999-2004), Past Chair * (typo in the application states 2024 by mistake)
Grant County Wildlife Advisory Board, Past Chair
John Day Economic Development Corporation, Board Member
John Day Golf club, Current and past president
Anacortes Seahawk Athletic Booster Association, Past Chair

Mr. Courtney holds a BS in Forest Engineering from OSU and an MBA from National University. Mr. Courtney has expressed interest in serving due to his appreciate of John Day and concern for its future after returning to the community over two years ago.

If appointed, Mr. Courtney will be required to file an annual statement of economic interest with the State of Oregon, and attend Oregon Ethics Training per statutory requirements.

FINANCIAL IMPACT: There is no fiscal impact associated with appointment of a council member.

ATTACHMENTS:

Steve Courtney Application



CITY OF JOHN DAY

RECEIVED

MAR 09 2026

CITY OF JOHN DAY

Application for Boards/Commission

Contact Information

Name:	Steve Courtney
Street Address:	John Day, OR 97845
Mailing Address:	
City/State/Zip Code:	
Home Phone:	
Work Phone:	
E-Mail Address:	

Background

Years of Residence in John Day:	2
Place of Employment:	The Beck Group
Occupation:	Forest Products Consultant
Educational Background:	BS Forest Engineering, Oregon State University MBA National University
Prior Civic Activities:	Grant District #3 School Board, 1999-2024, past chair Grant County Wildlife Advisory Board, past chair John Day Economic Development Corporation, board member John Day Golf Club, current and past president Anacortes Seahawk Athletic Booster Association, past chair

Boards/Commissions of Interest

Please check all of the following Boards/Commissions that interest you:

- ☒ City Council
- ☐ Budget Committee
- ☐ Planning Commission

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board/Commission to which you are applying.

I have recieved extensive training in leadership through public service and my work experiences. While on the school board, I was trained in Oregon public meeting laws. As a board member of the economic development group, I was trained in many of the facets of economic development.

Motivation

Discuss your motivation for serving on this Board/Commission.

I moved back to John Day do to my appreciation of the area. After being here two years, I am concerned for it's future.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the Administration Office at John Day City Hall indicating the type of information you will be required to disclose if you are appointed.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)

Steve Courtney

Signature

XXXXXXXXXXXXXXXXXXXX

Date

XXXXXXXXXXXXXXXXXXXX
March 9, 2026

Our Policy

It is the policy of the City of John Day to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of John Day accepts applications from potential board/commission members throughout the year and will hold applications until vacancies exist on specific boards/commissions.

Thank you for completing this application form and for your interest in volunteering with us.