



450 E. Main Street
John Day, OR 97845
www.cityofjohnday.com
Tel: (541) 575-0028
Fax: (541) 575-3668

STAFF REPORT AMD-21-02

Date Submitted: Tuesday, January 5th, 2021

Agenda Date Requested: Tuesday, January 12th, 2021

To: John Day Planning Commission

From: Daisy Goebel, City of John Day
Associate Planner

Subject: Staff report for Ordinance No. 21-191-02, An Ordinance Amending the John Day Development Code to reduce the notification period for type IV legislative procedures from 45 to 35 days (Type IV Procedure) AMD-21-02

Location: Citywide

Type of Action Requested

<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	Report Only

1. BACKGROUND

The Department of Land Conservation and Development (DLCD) requires local governments to submit written notification when proposing certain legislative changes including land use regulation changes, Comprehensive Plan amendments, and changes to the Urban Growth Boundary. These submittals are referred to as Post-Acknowledgement Plan Amendments or PAPAs as described in OAR 660-018-0020. At the time the City Development Code was written, this information had to be submitted to DLCD's Salem office on provided forms 35 days in advance of the first hearing on the matter. The City of John Day at the time elected to require an additional 10-day buffer to provide time for mailing, review, and re-submission if necessary.

DLCD now prefers that notices be submitted electronically through their web-based program “PAPA Online” which allows for prompt review and eliminates the need for 45-day notice. These submissions can be amended by city staff as new information is added and records can easily be accessed electronically by the general public. As a result of these updates, this development code requirement has become burdensome and unnecessary. This code amendment will align the City requirement with state requirements by reducing the notification period from 45-days to 35-days. This amendment also removes the requirement for including a certificate of mailing to DLCD.

2. APPLICABLE CRITERIA

This request is a legislative amendment to amend the John Day Development Code. The approval criteria in section 5-4.1.050.G apply.

3. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission’s review must focus on the relevant code criteria and follow the public hearing requirements for a Type IV Legislative Amendment under section 5-4.7.020. The Planning Commission should recommend the City Council approve the request if it conforms to the approval criteria.

4. STAFF RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation to the City Council to **adopt Ordinance 21-191-02, as presented** and findings in this report.

5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners on December 18, 2020 and notice was posted in the Blue Mountain Eagle on December 23, 2020 as required by the Development Code.

Public comments received: **NOTE ANY PUBLIC COMMENTS**

6. ADOPTION PROCEDURE AND FINDINGS

The following section shown in italics and boldface provides the decision making criteria as required by John Day Development Code Section 5-4.1.050.G.

Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

- 1. Approval of the request is consistent with the Statewide Planning Goals;***
- 2. Approval of the request is consistent with the Comprehensive Plan; and***

3. *The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.*

Finding: The City of John Day Comprehensive Plan, in compliance with Oregon statute, mirrors the statewide planning goals and applies them in the context of the John Day community. We do not have reason to believe that this ordinance would meaningfully impact citizen involvement or any of the other Statewide Planning Goals. In consensus with the state requirement, staff believes that 35-days is a sufficient time frame for interested citizens to provide input on legislative actions. This ordinance does not affect a particular area of land, so the third criterion does not apply to this decision.

7. PLANNING COMMISSION MOTION

After hearing the staff presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

“I move to recommend City Council approve AMD-21-02 based on the findings contained in the staff report [with conditions, if any].”

The staff report may be amended during the course of the hearing.

RECOMMENDED TO THE CITY COUNCIL by the John Day Planning Commission this 12th day of January, 2021.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

ORDERED:

Ken Boethin, Chair

ATTEST:

Nicholas Green, City Manager

ORDINANCE NO. 21-190-01

AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REDUCE THE NOTIFICATION REQUIREMENT FOR LEGISLATIVE AMMENDMENTS.

- Comments are provided in **boldface** to prompt the reader
- Strikeout language (~~example~~) is shown where language is proposed for removal
- Double Underlined language shows a proposed addition

5-4.1.050 Type IV Procedure (Legislative)

D. Notice of Hearing.

1. Required hearings. A minimum of two (2) hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:
 - a. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any Land Use District Change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
 - (2) Any affected governmental agency;
 - (3) Any person who requests notice in writing;
 - (4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
 - (5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
 - b. At least ten (10) days before the scheduled Planning Commission public hearing date, and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
 - c. The City Planning Official shall:
 - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
 - d. **The Oregon Department of Land Conservation and Development (DLCD) shall be notified electronically or in writing of proposed comprehensive plan and development code amendments at least ~~forty-five (45)~~ thirty-five (35) days before the first public hearing at which public testimony or new evidence will be received. ~~The notice to DLCD shall include a DLCD Certificate of Mailing.~~**
 - e. Notifications for annexation shall follow the provisions of this Chapter.