



CITY OF JOHN DAY

July 14, 2022

AMD-22-01 ZONE CHANGE (TYPE IV) RESIDENTIAL COMMERCIAL

Application Number:	AMD-22-01
Applicant:	City of John Day
Property Owner(s):	Multiple
Subject Property:	Multiple (see enclosed map)
Requested Action:	Land use district map amendment
Zoning:	General Commercial (GC) or Downtown (D) to Residential Commercial (RC)

PROJECT DESCRIPTION AND BACKGROUND

The City of John Day (the “City”) proposes a map amendment to the John Day Development Code (the Code) and the City’s land use district map in order to change the zoning designations for specific properties from their current designation as General Commercial (GC) to Residential Commercial (RC).

The purpose of this amendment is to facilitate housing improvements and streamline land use and development decisions within an area of John Day that has historically been used for both residential and commercial purposes. Under the current development code, properties zoned D or GC are not allowed to expand an existing residential use beyond their current footprint. Additionally, residential properties that are voluntarily destroyed or removed cannot be rebuilt or replaced.

The Residential-Commercial (RC) district is intended to encourage business formation, housing options, and transportation efficiency by combining a variety of housing, like that allowed in the Residential Limited (RL) district, with public and commercial services at an appropriate neighborhood scale. The proposed code amendment would adopt RC zoning to more accurately reflect current and anticipated use of these properties. Within the RC zone, both commercial and residential uses are permitted subject to standards defined in Code Chapter 5-2.2.

APPLICABLE CRITERIA

This request is for a map amendment. Map amendments are permitted under the City of John Day Development Code (the “Code”) and may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

REVIEW PROCESS

This proposed amendment will be reviewed as a Type IV (Quasi-Judicial) Procedure pursuant to Code Section 5-4.1.050 and the decision-making criteria in Section 5-4.1.050(G).

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing procedures for Quasi-Judicial review under Section 5-4.7.030. The Planning Commission should approve the request if it conforms to the approval criteria or if it can be made to conform to the criteria through the imposition of reasonable conditions.

Public Notification

The City of John Day mailed public hearing notices to the applicant and property owners within 100-feet of the subject properties, 20 days before the hearing date. Notice was also published in the Blue Mountain Eagle.

Application Completeness

The following plans, exhibits, and narrative submitted by the applicant are attached to this report and are hereby made part of the public hearing record:

- Affidavit of Publication (Exhibit A)
- Certification of Public Notice (Exhibit B)
- List of Affected Properties (Exhibit C)
- Existing Zoning (Exhibit D)
- Proposed Zoning (Exhibit E)

Staff has reviewed the application pursuant to the City of John Day Development Code and the requirements for Land Use District Map and Text Amendments. No responses were received from adjacent property owners following the public notice.

Burden of Proof

The applicant has the burden of demonstrating that the proposal meets all applicable Development Code requirements. The applicant is also responsible for complying with building code requirements and applicable state or federal requirements. It is the Planning Commission's responsibility to apply the code requirements and determine whether the applicant's proposal complies with based on findings of fact.

APPROVAL CRITERIA FOR QUASI-JUDICIAL AMENDMENTS

5-4.7.030(B) Quasi-Judicial Amendments - Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan;
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
5. The amendment conforms to the Transportation Planning Rule provisions under Section 5-4.7.060.

The applicable code criteria are provided below in *italics* typeface; staff's findings follow each code provision in regular typeface. The findings, which are based on information submitted by the applicant, are preliminary.

The final decision notice will contain findings addressing the Planning Commission's deliberation, and any public testimony, including any additional agency comments received by the close of the hearing.

The application and staff report findings may be modified based on factual information entered into the public hearing record. Members of the public who have questions about the proposal or who would like to submit oral or written testimony testify in person at the public hearing or submit written testimony to the City of John Day before the close of the hearing. Testimony should respond directly to the applicable criteria.

5-4.7.030.B Quasi-Judicial Amendments

1) Approval of the request is consistent with the Statewide Planning Goals;

Findings: The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources. Goal 10) Housing, specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. The GC zone is suitable for a wide variety of uses, but it does not allow for expansion of existing housing on lots used for residential purposes and it does not allow for replacement of aging housing on these lots. There is a strong demand in John Day for both rental properties and single-family housing. Homeowners who wish to improve or replace their existing homes, including replacing a manufactured home with a site-built dwelling, are constrained by the code from improving these properties located within the GC and D zones, which artificially restrict housing development in areas historically used for both commercial and residential purposes. Similarly, there has been an increase in conditional use permit requests for residences to be occupied as home-based businesses. These types of uses can be permitted within the Residential Commercial (RC) zone and provide for a wider range of uses for existing properties.

2) Approval of the request is consistent with the Comprehensive Plan;

Findings: Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The City of John Day Comprehensive Plan was adopted in 2003. This request is consistent with the intent of the Comprehensive Plan to provide adequate facilities for housing and commercial development. Use of the RC zone was contemplated in the code and is allowable with a code amendment.

3) The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period;

Findings: The properties are currently served by the local street network and all have access to city utilities.

4) The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and

Findings: Zoning these properties as RC reflects their historic use for both commercial and residential purposes. The area includes churches, businesses, and single-family homes as well as homes occupied for business use under conditional use permits issued by the City.

5) The amendment conforms to the Transportation Planning Rule provisions under Section 5-4.7.060.

Findings: When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012- 0060 (Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 5-4.1.090. No increase in traffic is anticipated as a result of these code amendments. Rather, the proposal corrects a condition in the code to more accurately reflect the current and historic use of these properties.

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, and subject to public feedback, staff recommends approval of AMD-22-01 without conditions.

PLANNING COMMISSION MOTION

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

“I move to approve amendment AMD-22-01 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. The commissioner making the motion should list any additional conditions of approval or changes to staff’s proposed conditions of approval in his/her motion.

Respectfully submitted this 14th day of July 2022:



Nicholas Green
City Planning Official
City of John Day

Enclosures

- Affidavit of Publication (Exhibit A)
- Certification of Public Notice (Exhibit B)
- List of Affected Properties (Exhibit C)
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