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450 East Main Street
John Day, Oregon 97845

October 22, 2018

**ANNEXATION WITH LAND USE DISTRICT MAP AND TEXT AMENDMENTS (TYPE IV
PROCEDURE) – AMD-18-03**

Applicant: City of John Day
Property Owner(s): City of John Day / Mid County Cemetery District
Subject Property: Davis Creek and Cemetery Properties
13S-31E-22D Tax Lots 3000, 3100, and 102
13S31E23CB Tax Lot 1404
Requested Action: Annexation and land use district map amendment
Zoning: Suburban Residential (SR) and General Industrial (GI)

PROJECT DESCRIPTION AND BACKGROUND

The City of John Day (the “City”) recently purchased undeveloped properties located south of Valley View Drive in the vicinity of Davis Creek in John Day (tax lots 3100, 102 and 1404). These properties are adjacent to the cemetery owned and operated by the Mid County Cemetery District (tax lot 3000). City is proposing to annex lots 3000 and 1404, which are unincorporated islands within the city limits. City also proposes an amendment to the land use district map for all four properties in order to change the land use designations from Suburban Residential (SR) and General Industrial (GI) to Park Reserve (PR). The proposed changes are shown in the table, below.

<i>Tax Lot</i>	<i>Owner</i>	<i>Current Zoning</i>	<i>Proposed Zoning</i>
3000	Mid County Cemetery District	SR	PR
1404	City of John Day	SR	PR
3100	City of John Day	GI	PR
102	City of John Day	GI	PR

APPLICABLE CRITERIA

This request is for an annexation with 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.

The John Day City Council on its own motion may initiate an annexation. The approval criteria in section 5-4.10.050 of the Code shall apply. Provided, however, that in the case of annexation where current or probable public health hazard due to lack of full City sanitary sewer or water services or the lot or lots proposed for

annexation are an "island" completely surrounded by lands within the city limits, the only standards that apply shall be 5-4.10.050(A).

REVIEW PROCESS

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing procedures for Type IV (Quasi-Judicial) review under Section 5-4.1.030. 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 site, 20 days before the hearing date. At least 14 business days before the hearing, notice of the hearing was printed 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:

- Certification of Public Notice (Exhibit A)
- Existing Zoning (Exhibit B)
- Proposed Zoning (Exhibit C)
- Transportation Planning Rule Findings (Exhibit D)

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 ANNEXATIONS

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is consistent with the Comprehensive Plan, and a project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City Limits.
- D. Adequate City facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage.
- E. The annexation is consistent with the annexation policies contained in the Comprehensive Plan.

APPROVAL 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.

5-4.10.050 *Annexation Approval Criteria*

A. The land is within the City's Urban Growth Boundary.

Findings: The proposed tax lots are islands within the city's UGB.

B. The proposed zoning for the annexed area is consistent with the Comprehensive Plan, and a project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

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 recreation and tourism within the Park Reserve (PR) district. The proposed location was identified by the city council for this purpose during a council meeting held on July 24, 2018.

C. The land is currently contiguous with the present City Limits.

Findings: The proposed land is contiguous with the present city limits.

D. Adequate City facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage.

Findings: City facilities will be provided upon approval of a development request to be submitted in conjunction with the Innovation Gateway Area Plan. City utilities (streets, water and sanitary sewer) are located adjacent to the property.

E. The annexation is consistent with the annexation policies contained in the Comprehensive Plan.

Findings: This annexation conforms to the City's policies contained in the comprehensive plan. Per the City's comprehensive plan, the Urban Growth Boundary (UGB) be used as the official guideline by which to plan all public services, future annexations, and land uses to the year 2023. The code also requires that city water and sewer services will not be provided unless an area has been annexed to the city, or a —consent to annex has been set forth and approved by the City.

5-4.7.030 *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 8 (Recreational Needs) requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public. Rezoning these tax lots recognizes they will be used for public recreation and/or a publicly managed cemetery well into the future. It also facilitates future development of the city-owned properties at this location for a proposed city park and trail network that will improve public access to this location and the John Day River by enabling future park amenities to be established within this zone. Specific developments are not proposed at this time but will be reviewed at a future planning commission hearing as part of the Innovation Gateway Area Development Plan scheduled to begin in October 2018.

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 recreation and tourism within the Park Reserve (PR) district.

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 property is currently served by city streets. Utilities and trial systems will be developed based on the proposals made during the Innovation Gateway Area Plan, which will be subject to their own public hearings. No new development is proposed with this zoning change. Therefore, this criterion is satisfied.

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 Park Reserve reflects their proposed use as a city park and continued use as a public cemetery. This location was identified by the John Day City Council as the site for a future park

during previous council meetings, including a pre-acquisition meeting held on July 24, 2018. The city completed a Phase 1 Environmental Site Assessment prior to purchasing the property in July 2018. No recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), controlled recognized environmental conditions (CRECs) or business environmental risks (BERs) were identified during the assessment.

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. This criterion does not apply to this map change, but will be addressed in the Transportation System Plan (TSP) to be submitted in 2019 (Exhibit D).

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, staff recommends approval of AMD-18-03 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-18-03 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 22nd day of October, 2018:



Nicholas Green
City Manager / City Planning Official
City of John Day

Enclosures

**CITY OF JOHN DAY
GRANT COUNTY, OREGON**

CERTIFICATION OF PUBLIC NOTICE

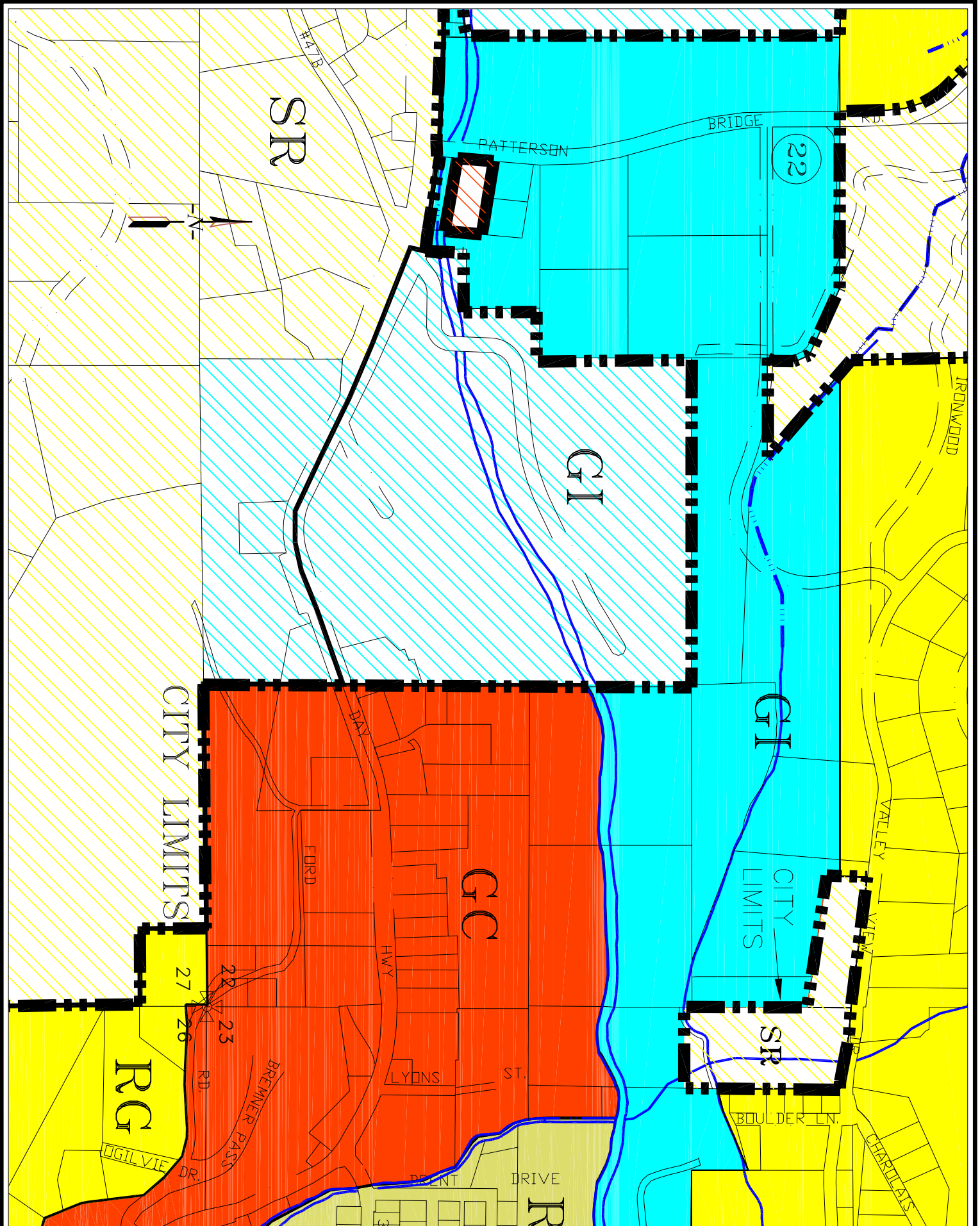
IN THE MATTER OF AN APPLICATION FOR ANNEXATION AND LAND USE
DISTRICT MAP AMENDMENT NO. AMD-18-03, BY: CITY OF JOHN DAY. I, Nicholas A. Green, City Planning Official, do hereby certify that a Public Notice in the matter of the subject land use application was sent first class mail or hand delivered on this 4th day of October 2018, to the person, parties and agencies listed below. A copy of said notice is attached hereto.

Lot	Map	Name	Address
900	13S31E23CB	Sheila M Bruce	PO Box 251, John Day, OR 97845
1100	13S31E23CB	Robert C McNeil – Etal	878 Boulder Lane, John Day, OR 97845
1200	13S31E23CB	Douglas A & Tonya M Cates	870 NW Boulder Lane, John Day, OR 97845
1201	13S31E23CB	Thomas R & Rhonda Moore	PO Box 148, John Day, OR 97845
1404	13S31E23CB	City of John Day	450 E Main Street, John Day, OR 97845
3100	13S31E22D		
2900	13S31E22D	William R Thomas – Etal	108 Valley View Drive John Day, OR 97845
2800	13S31E22D	Seventh Day Adventist	PO Box 203, John Day, OR 97845
3000	13S31E22D	Mid County Cemetery District	PO Box 508, John Day, OR 97845
4600	13S31E22A	Erik G & Lauren R Romstad	107 Valley View Drive, John Day, OR 97845
4700	13S31E22A	Adam & Jane Jennings	PO Box 57, John Day, OR 97845
4800	13S31E22A	Randall & Andrea L Moles	103 Valley View Drive John Day, OR 97845
4900			
2300	13S31E23BC	Norman A & Alexis F Coggins	101 Valley View Drive John Day, OR 97845
2200	13S31E23BC	Nanette L Walker	PO Box 303, John Day, OR 97845
		Grant County Planning Department	Emailed
		John Day City Staff	Emailed

So certified this 4th day of October 2018.



Nicholas A. Green, Planning Official



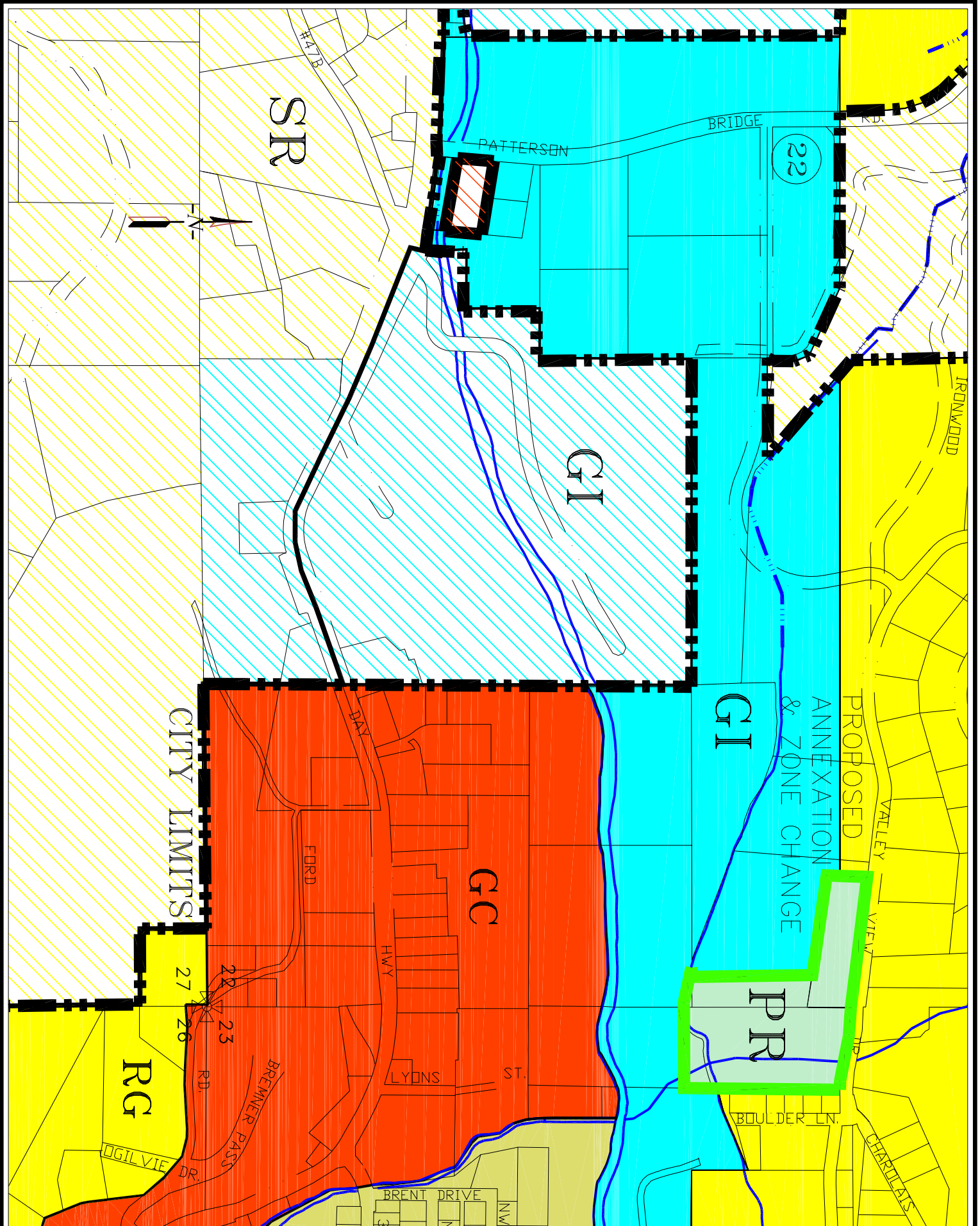


EXHIBIT C PROPOSED ZONING MAP CHANGES

EXHIBIT D. TRANSPORTATION PLANNING RULE (TPR) FINDINGS

The City of John Day has contracted with ODOT and DKS Associates to develop a Transportation System Plan (TSP) update in 2019. This work order contract was approved as part of the intergovernmental agreement for the Transportation Growth Management (TGM) grant (TGM File Code 5A-17; EA# TG17LA23), signed and executed on November 5, 2018. The Statement of Work (SOW) for this document describes the area for the TSP development, which includes this location. Intermodal connectivity will be addressed by integrating the City's 1996 TSP with future developments that include a multi-modal trail network with connections to this location, the extension of the 7th Street to Patterson Bridge Road, and other street improvements. Trip generation and TRP requirements for this location will be addressed in the TSP update and will be completed prior to any substantial development of the location.