

**ORDINANCE NO. 18-176-06**

**AN ORDINANCE ANNEXING APPROXIMATELY 51 ACRES OF LAND COMPRISING THE OREGON PINE SITE; AMENDING THE COMPREHENSIVE PLAN MAP AND ASSIGNING CITY ZONING DESIGNATIONS TO PROPERTIES WITHIN THE ANNEXED TERRITORY.**

WHEREAS, the City of John Day ("City") is the owner of the property identified as Tax Lot 300 on Grant County Assessor's Map 13S-31E-22D (the "City Property"); and

WHEREAS, Kenneth J. Mills is the owner of the property identified as Tax Lot 301 on Grant County Assessor's Map 13S-31E-22D (the "Mills Property"); and

WHEREAS, Iron Triangle LLC is the owner of the property identified as Tax Lot 2700 on Grant County Assessor's Map 13S-31E-22D (the "Iron Triangle Property"); and

WHEREAS, the City Property, the Mills Property, and the Iron Triangle Property are collectively referred to herein as the "Annexed Territory"; and

WHEREAS, the Annexed Territory is located outside of the city limits; and

WHEREAS, the City, with the consent of the majority of other owners of the Annexed Territory, made application under Planning File No. AMD-18-04 to annex the Annexed Territory into the City and change the Comprehensive Plan designation for the Annexed Territory from General Industrial (GI) to General Commercial (GC); and

WHEREAS, City scheduled a public hearing on October 23, 2018 before the City's Planning Commission on the proposed annexation and Comprehensive Plan amendment; and

WHEREAS, after considering all the evidence and testimony in the record, and fully deliberating the matter, the Planning Commission recommended that the City Council approve the proposed annexation and comprehensive plan amendment; and

WHEREAS, City scheduled a public hearing before the City Council on November 13, 2018, provided required notice to affected parties, published notice in a local newspaper of general circulation for two consecutive weeks, and posted notice in four public places within the city limits (e.g. John Day City Hall, U.S. Post Office, Grant County Clerk's Office, and Grant County Library) of such hearing; and

WHEREAS, City Council, after reviewing all relevant materials, evaluating compliance with applicable law, and considering written comments and public testimony, deliberated the matter fully, approved the annexation, and voted to dispense with submitting the question of annexation to the electors of the City; and

WHEREAS, City proclaims the Annexation approved as of January 1, 2019, the effective date of this Ordinance No. 18-176-06 (this "Ordinance").

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

1. Findings. The findings stated above and those contained within the staff report for AMD-18-04 attached hereto as Exhibit A are hereby adopted.

2. Annexed Territory. The properties identified in the attached Exhibit B, legally described in the attached Exhibit C and generally depicted on the attached Exhibit D, including all rights-of-ways within the Annexed Territory are hereby annexed and incorporated into the City.

3. Comprehensive Plan Amendment and Zoning Designation. City hereby amends its Comprehensive Plan Map as shown on the attached Exhibit E. The zoning designations established by the City's Comprehensive Plan Map, as amended, are hereby assigned to the lands within the Annexed Territory. The updated Zoning Map depicting the Annexed Territory is attached as Exhibit F. Land within the Annexed Territory is hereby subject to the City's land use regulations and the permitting requirements.

4. Assessment and Taxation. Land within the Annexed Territory shall be assessed and taxed in the same manner as other similarly situated property within the City as of the effective date of this Ordinance.

5. Notification to Appropriate Agencies and Utilities. The City Recorder will cause notice of the Annexation to be recorded with the Grant County Clerk within sixty (60) days of the date the City Council proclaims the Annexation approved.

The City Recorder will file with the Grant County Assessor and the Oregon Department of Revenue legal descriptions and accurate maps showing the Annexed Territory.

Notification will also be forwarded to the appropriate state agencies, Grant County Clerk, Grant County GIS Department, Grant County Community Development Department, to all utilities subject to notice pursuant to ORS 222.005, and to all other parties entitled to notice.

7. Authorization; Interpretation; Severability; Corrections. The City Manager is authorized to take all actions necessary or appropriate to effectuate the purposes of this Ordinance. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended.

If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

[signatures on next page]

This Ordinance was PASSED and ADOPTED by the City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ron Lundbom, Mayor

ATTEST:

\_\_\_\_\_  
Nicholas Green, City Manager

**EXHIBIT A  
STAFF REPORT FOR PLANNING FILE NO. AMD-18-04**

**[attached]**

**EXHIBIT B**  
**LIST OF ANNEXED PROPERTIES**

Tax Lots: Grant County Assessor's Map 13S-31E-22D, Tax Lots 300, 301 and 2700

**EXHIBIT C**  
**LEGAL DESCRIPTION OF ANNEXED TERRITORY**

**TRACT 5** (13S31E22D T.L. 2700)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 22: A tract of land situated in the S1/2N1/2NW1/4SE1/4 described as follows:  
Beginning at the northwest corner of the S1/2N1/2NW1/4SE1/4 said Section 22;  
thence S.00°23'30"E., 329.93 feet, along the west line of said  
S1/2N1/2NW1/4SE1/4 to the Southwest corner thereof;  
thence N.89°27'17"E., 1321.40 feet, along the south line of said  
S1/2N1/2NW1/4SE1/4 to the southeast corner thereof;

thence N.00°08'07"W., 195.58 feet, along the east line of said  
S1/2N1/2NW1/4SE1/4;

thence N.87°31'05"W., 709.57 feet to a point on the approximate centerline of the  
Trowbridge Ditch;

thence along the following courses, being the approximate centerline of said  
Trowbridge Ditch:

N.87°45'49"W., 69.75 feet;

N.75°11'31"W., 88.13 feet;

N.45°01'17"W., 98.31 feet to the south line of the N1/2N1/2NW1/4SE1/4  
of said Section 22;

thence S.89°27'25"W., 389.79 feet, along the south line of said  
N1/2N1/2NW1/4SE1/4 to the point of beginning.

TOGETHER WITH the following portion of Parcel 2 of Land Partition No. 96-05,  
the plat of which is on file and of record in the office of the Grant County Clerk:

Beginning at the southwest corner of said Parcel 2, thence along the westerly  
line of said Parcel 2, N.00°08'07"W., 137.92 feet;  
thence S.87°31'05"E., 126.92 feet;  
thence S.00°08'07"E., 137.92 feet;  
thence N.87°31'05"W., 126.92 feet to the point of beginning.

All according to Record Map of Survey No. 1928, on file and of record in the  
office of the Grant County Surveyor.

ALSO TOGETHER WITH land in the NW1/4SE1/4 said Section 22 more  
particularly described as follows:

Beginning at a 5/8" iron pin with attached yellow plastic cap marked  
BENCHMARK SURVEYING on the west line of the S1/2NW1/4SE1/4 said  
Section 22, said point also being N.00°23'30"W, a distance of 1787.84 feet from  
the S1/4 Corner said Section 22;

thence N. 00°23'30"W, 191.54 feet to the northwest corner of said  
S1/2NW1/4SE1/4;

thence along the north line of said S1/2NW1/4SE1/4, N.89°26'53"E., 1321.24  
feet to the northeast corner thereof;

thence S.00°06'21"E., 204.26 feet along the east line of said S1/2NW1/4SE1/4;  
thence West, 1320.25 feet to the point of beginning.

All according to Record Map of Survey No. 2077, on file and of record in the office of the Grant County Surveyor.

**TRACT 6** (13S31E22D T.L. 301)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 22: Beginning at a point which is 1320.5 feet West and 598.1 feet North of the southeast corner of said Section 22, which point is also the southeast corner of the San Juan Lumber Company Retail Yard:  
thence N.00°03'E., 280.0 feet;  
thence S.72°21'W., 108.0 feet;  
thence S.17°39'E., 26.6 feet;  
thence S.72°21'W., 50.0 feet;  
thence S.17°39'E., 22.0 feet;  
thence S.42°45'W., 81.0 feet;  
thence S.14°00'E., 188.0 feet;  
thence N.71°30'E., 163.0 feet to the point of beginning.

**TRACT 7** (13S31E22D T.L. 300)

T.13S., R.31E., W.M., Grant County, Oregon:

Section 22: A tract of land situated in the SE1/4 and SW1/4 said section 22 described as follows: Beginning at a point on the north-south centerline of said Section 22, said point being N.00°23'30"W., 1787.84 feet from the S1/4 Corner of said section;  
thence S.00°23'30"E., 41.24 feet along said north-south centerline to the northeast corner of that certain 3.00 acre tract of land shown on Grant County record map of Survey No. 841;  
thence continuing S.00°23'30"E., 361.50 feet to the southeast corner of said 3.00 acre tract;  
thence S.89°42'30"W., 200.00 feet;  
thence 200.00 feet distant from and parallel to (when measured at right angles to)  
the north-south centerline of said Section 22, S.00°23'30"E., 300.00 feet;  
thence S.89°42'30"W., 240.83 feet;  
thence parallel to said north-south centerline S.00°23'30"E., 140.00 feet;  
thence S.63°04'E., 31.73 feet to the northerly right of way line of the John Day Highway (Highway 26);  
thence Southeasterly, Easterly and Northeasterly along said right of way line to the southwest corner of that certain tract of land described in Grant County Deed Instrument No. 962152;  
thence along the westerly and northerly lines of said tract the following courses and distances:  
  
N.14°00'W., 188.0 feet;  
N.42°45'E., 81.0 feet;  
N.17°39'W., 22.0 feet;  
N.72°21'E., 50.0 feet;  
N.17°39'W., 26.6 feet;  
N.72°21'E., 108.0 feet to a point on the east line of SW1/4SE1/4 said Section 22;

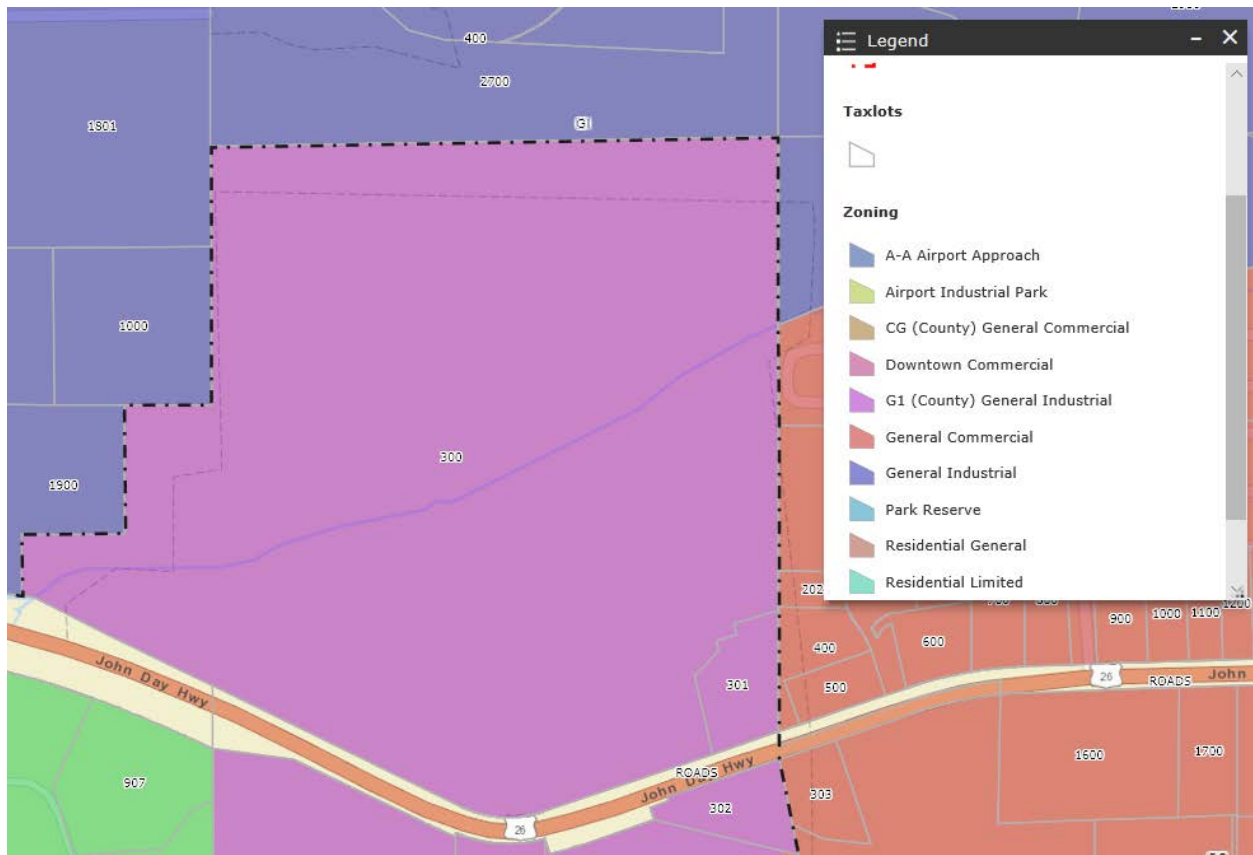
thence along the east line of said SW1/4SE1/4 to the northeast corner thereof;  
thence along the east line of the NW1/4SE1/4 to a point that is East of the point  
of  
beginning;  
thence West 1320.25 feet to the point of beginning.





**EXHIBIT E  
AMENDED COMPREHENSIVE PLAN MAP**

**[attached]**



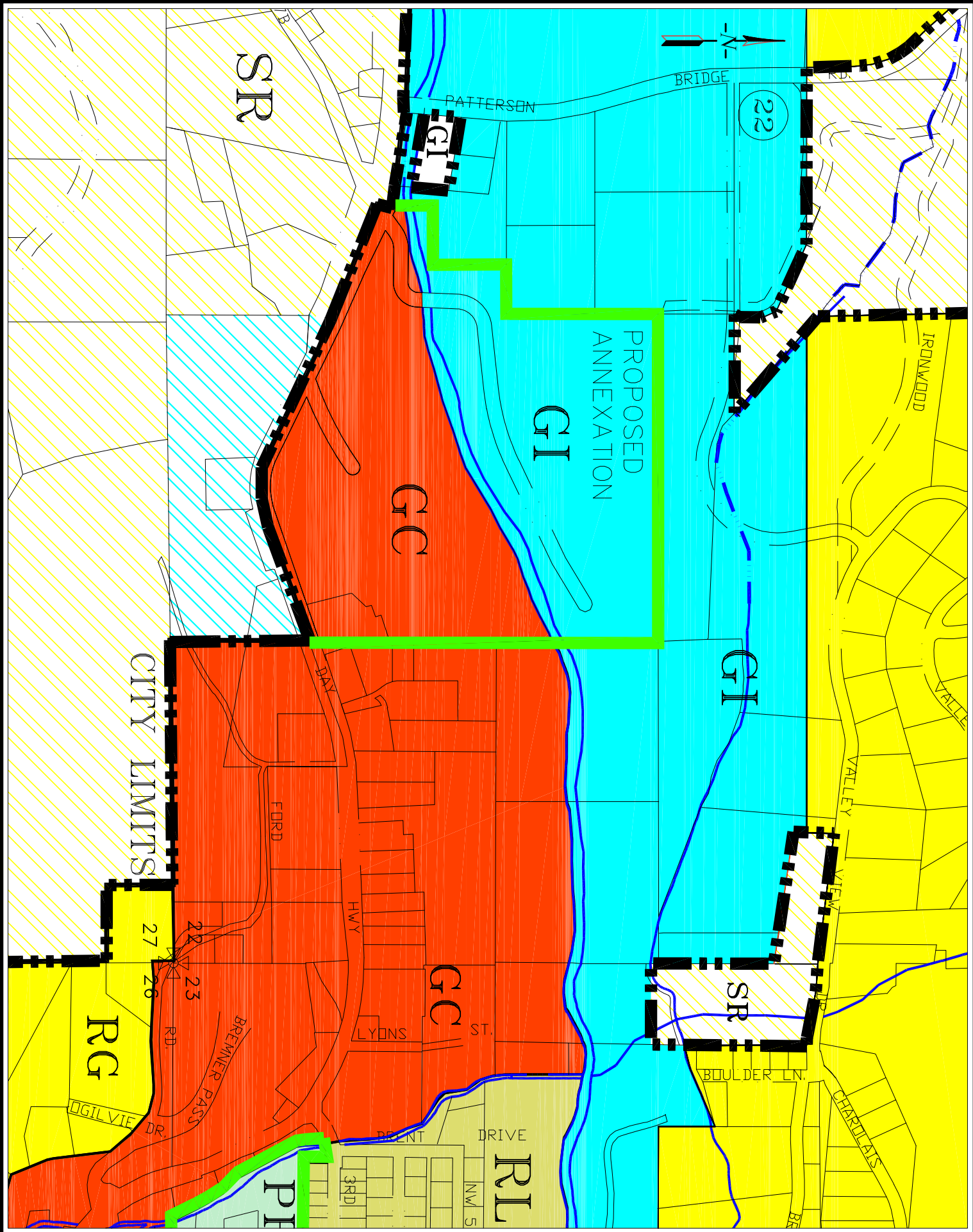
City to annex lot 300 and those portions of lots 301 and 2700 which are unincorporated. City also proposes an amendment the comprehensive plan land use district map for the properties on the south side of the John Day River to change the land use designation from General Industrial (GI) to General Commercial (GC). The proposed changes are shown in the table 1.

**Table 1. Proposed annexations and land use district amendments**

<i><b>Tax Lot</b></i>	<i><b>Owner</b></i>	<i><b>Current Plan Designation</b></i>	<i><b>Proposed Designation</b></i>
300	City of John Day (Oregon Pine)	GI	GI (north side of John Day River) GC (south side of John Day River)
301	Kenneth Mills	GC (portion inside city limits) GI (portion in UGB)	GC
2700	Iron Triangle LLC	GI (County)	GI

**EXHIBIT F  
UPDATED CITY ZONING MAP**

**[attached]**



PROPOSED ZONING MAP CHANGES