



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

Property Line Adjustment PLA 19-08 and Site Design Review 19-01

STAFF REPORT

Date Submitted: November 7, 2019

Agenda Date Requested: November 12, 2019

To: John Day Planning Commission

From: Nicholas Green
City Manager

Subject: Property Line Adjustment with Site Design Review

Location: OTEC Substation on SE Dayton and adjacent COJD lot

Type of Action Requested:

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

1. BACKGROUND

City of John Day and OTEC seek to perform a property line adjustment and quit claim deed of right-of-way along SE Dayton and S. Canyon Boulevard/U.S. 395 S as described in Exhibit A and Sketch. OTEC seeks to acquire 50-foot section along 395 S from the City (0.5 acres) plus right-of-way to sidewalk immediately in front of OTEC's substation. OTEC plans to install an electric vehicle charging station along with a small picnic and park area in this lot. The park area will include picnic tables, greenery, and a kiosk to display local items of interest. Additionally, OTEC will partially surround the John Day substation with a decorative retaining wall. City will perform a permanent transfer of water rights from Well No. 1 to Well No. 3 in conjunction with the property line adjustment as well as utility easements for existing city water and drainage lines.

2. APPLICABLE CRITERIA

This request includes a Property Line Adjustment as well as a Site Design Review. The approval criteria in section 5-4.3.140 (Property Line Adjustments) and section 5-4 (Site Design Review Application Procedures) apply.

The Code Permits Property Line Adjustments to be reviewed by means of a Type I procedure per Section 5-4.3.140. The Site Design Review procedure can be conducted using a Type II procedure, consistent with Chapter 5-4.1 except for proposals exceeding the thresholds below which are reviewed using a type III procedure:

- A. The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual. (This is the equivalent of approximately 10 dwelling units or a 1,000 square foot bank with drive-thru window.); or the use exceeds 5,000 square feet of gross leasable floor area; or the project involves more than one (1) acre total site area.
- B. The proposal involves a conditional use.
- C. The proposal involves an adjustment to a development standard, as provided under subsection 5-4.2.060(B).
- D. The City Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.
- E. The proposal involves expansion of a non-conforming use.

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 III Quasi-Judicial procedure under section 5-4.1.040. The Planning Commission should approve the request if it conforms to the approval criteria.

4. STAFF RECOMMENDATION

Staff recommends that the Planning Commission **approve SDR-19-01 and PLA-19-08, as presented.**

5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners and published notice in the Blue Mountain Eagles required by the Development Code. No public comments were received.

6. BURDEN OF PROOF

The applicant has the burden of demonstrating that the proposal meets all applicable 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 interpret the Code based on findings of fact.

7. APPROVAL CRITERIA AND FINDINGS

The following section shown in italics and boldface provides the decision-making criteria as required by John Day Development Code Sections 5-4.3.140 and 5-4.1.

5-4.1 Land Divisions and Property Line Adjustments

A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

- 1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
- 2. The final plat must include all conditions of approval of the preliminary plat.*

Findings: The preliminary plat has been provided for Planning Commission review.

B. Compliance with Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

Findings: This proposal conforms to state regulations.

C. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

- 1. Potential future lot division(s), consistent with the density and minimum lot size standards of Article 5-2;*
- 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;*
- 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.*

Findings: Not Applicable.

D. Lot Size Averaging. Single family residential lot size may be averaged to allow lots less than the minimum lot size in Residential districts, pursuant to Section 2.2.030, or through approval of a Master Planned Development under Chapter 5-4.5.

Findings: Not Applicable.

E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 5-4.9.010, Temporary Uses, and subject to the requirements for mobile homes and recreational vehicles in Chapter 5-2.5, as applicable.

Findings: Not Applicable.

F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program, State building code requirements, including elevating structures above the base flood elevation, and the City of John day Flood Plain Overlay The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.

Findings: The property is not within the 100-year flood plain nor is it entirely within a floodway.

G. Determination of Base Flood Elevation. Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be prepared by a qualified professional as part of the land division application.

Findings: Not Applicable.

H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

Findings: City has an existing well (Well No. 1) as well as water lines to and from Reservoir No. 1 and Reservoir No. 2, which cross this property. City also has a drainage line from the reservoirs. Utility easements and access easements to the City will be developed in conjunction with the final property line adjustment prior to closing the sale. Utilities needed to service to the electric vehicle parking will be provided by OTEC.

I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

Finding: Stormwater management is provided at the location with the existing sidewalk and gutter system.

J. Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or as may be required for stormwater management.

Finding: Not Applicable

5-4.2.060 Site Design Review - Approval Criteria; Adjustments

A. Approval Criteria. An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria:

- 1. The application is complete, as determined in accordance with Chapter 5-4.1 - Types of Applications and Section 5-4.2.050, above.*
- 2. The application complies with all of the applicable provisions of the underlying Land Use District (Article 5-2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;*

Finding: The application is complete and complies with the provisions of the commercial district see *preliminary plat approval criteria* for more information.

- 3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*
- 4. The proposal complies with all of the Design Standards in Article 5-3:*
 - a. Chapter 5-3.1 - Access and Circulation;*
 - b. Chapter 5-3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;*
 - c. Chapter 5-3.3 - Parking and Loading, for automobiles and bicycles;*
 - d. Chapter 5-3.4 - Public Facilities and Franchise Utilities;*
 - e. Chapter 5-3.5 - Signs;*

Findings: The proposal conforms with the applicable land use district standards.

8. PRELIMINARY PLAT APPROVAL CRITERIA

Section 5-4.3.070 contains approval criteria for preliminary plats. The Planning Commission's evaluation of the project must focus on the relevant code criteria under Section 5-4.3.070 and follow the public hearing procedures for Type III (quasi-judicial) review under Section 5-4.1.040.

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 plans, exhibits, and narrative submitted by the applicant and used in making the findings are attached to this report and include:

- Property Line Adjustment Application (Exhibit A)
- Site Design Review Application (Exhibit B)

All of the above documents are hereby incorporated and made part of the public record.

5-4.3.070 Approval Criteria: Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 5-2 (Land Use Districts) and Article 5-3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5-5;

Findings: Proposed Parcels 1 and 2 are located entirely within the city limits of the City of John Day and will be subject to the standards of the City of John Day Development Code. Parcel 1 (vacant lot) is located in the GC district and parcel 2 (OTEC site) is located in the Downtown (D) district. Both Parcel 1 and Parcel 2 meet the respective design criteria of Article 5-2 for *Minimum Lot Area (2,000 SF); Minimum Lot Width (20 feet); Minimum Lot Depth (2x Width)*. Community Design Standards for Article 5-3 will be addressed in the subsequent site design review process for future improvements proposed at either location.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Findings: No conflicts exist with ORS 92.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

Findings: Site is fully developed for the intended use, less the addition of asphalt and electric vehicle recharging stations.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and

Findings: Not applicable.

5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

Findings: City is requesting a permanent transfer of water rights through Oregon Water Resources Department (OWRD). No state or federal permits are needed for the proposed improvements.

6. Evidence that improvements or conditions required by the City, road authority, Grant County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

Findings: All conditions are satisfied in the proposed site design.

7. If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

Findings: The site is not located within a current Overlay Zone or previously approved Master Planned Development.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

Findings: Not applicable.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 5-3.4 Public Facilities.

Findings: OWRD permit to transfer water rights and applicable access easements to the City of John Day must be filed and approved prior to finalizing the property line adjustment.

9. 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 motions are suggested:

“I move to approve PLA 19-08 based on the findings contained in the staff report [with conditions, if any].”

And

“I move to approve SDR 19-01 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.

Respectfully submitted this 7th day of November 2019,



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

Enclosures