



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

**STAFF REPORT AMD-20-07**

**RESIDENTIAL SINGLE-PROPERTY ANNEXATION (TYPE III PROCEDURE)**

**Date Submitted:** May 11, 2020

**Agenda Date Requested:** May 12, 2020

**To:** John Day Planning Commission

**From:** Daisy Goebel, City of John Day  
Associate Planner

**Subject:** The City of John Day (the City) is proposing a map amendment to the John Day Development code (the Code) and the City's land use district map to annex 671 Miller Lane into city Limits.

**Location:** 671 Miller Lane  
Map: 13S31E26 Tax Lot: 3101

**Type of Action Requested**

Resolution                       Ordinance

Formal Action                       Report Only

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**1. BACKGROUND**

The City is proposing to annex 5.15 acres of residential county land into John Day city limits. This property is owned by Ricky and Rebecca Rhinehart and is currently zoned SR (County Residential). The proposed map amendment would change the zoning of the parcel in question to RG (Residential General). This change was requested by the property owners with the primary purpose of reducing the out-of-city water and sewer costs.

**2. 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).

**3. REVIEW PROCESS**

The Planning Commission’s review must focus on the relevant code criteria and follow the public hearing procedures for Type III 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.

**4. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **Approve AMD-20-07** and adopt findings in this report.

**5. 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.

**6. ADOPTION PROCEDURE AND FINDINGS**

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.

*Finding: The proposed annexation meets all of the above approval criteria (A-F).*

**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 approve annexation AMD-20-07 based on the findings contained in the staff report [with conditions, if any].”

Enclosures:

- Consent Form (Exhibit A)
- Property Map (Exhibit B)

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

**APPROVED** by the John Day Planning Commission this 12th day of May, 2020.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

ORDERED:

\_\_\_\_\_  
Ken Boethin, Chair

ATTEST:

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



RECEIVED  
FEB 10 2020  
CITY OF JOHN DAY

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**Consent to Annexation**

This petition must be signed by all property owners AND not less than 50 percent of registered voters, if any, residing on the property.

13531E 26

**Property Information**

Map & Tax Lot 3101 Address 671 Miller Ln.

**Contact Information**

Name REBECCA R. RHINEHART Phone Number (541) 620-1444  
541-620-1892

Mailing Address P.O. BOX 215, JOHN DAY, OR. 97845

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of John Day, Oregon.

**SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)**

Rebecca R Rhinehart 2-9-20  
Signature Date

Signature Date

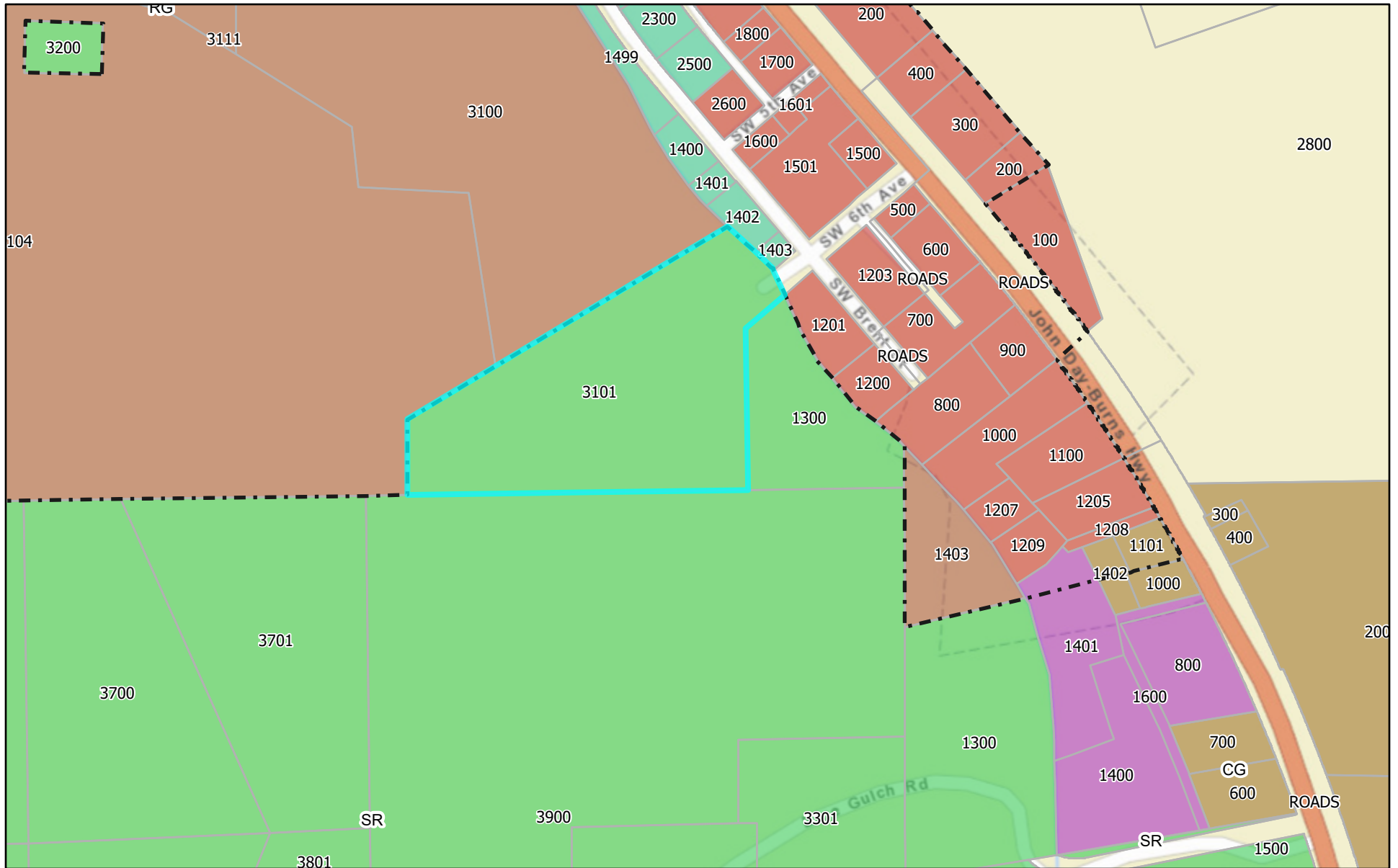
We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective  Indefinitely, or until \_\_\_\_\_.

Rebecca R Rhinehart 2-9-20  
Signature Date

Signature Date

EXHIBIT B

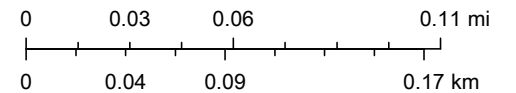
# Rhinehart Annexation



5/7/2020, 5:53:20 AM

- CityLimits
- UGB
- Taxlots
- Zoning
  - General Commercial
  - Residential General
  - Residential Limited
  - CG (County) General Commercial
  - G1 (County) General Industrial

1:4,514



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

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