



CITY OF JOHN DAY

July 14, 2022

ANNEXATION OF UNINCORPORATED TERRITORY SURROUNDED BY CITY AND ZONE CHANGE (TYPE IV PROCEDURE) – AMD-22-04

Applicant: City of John Day
Property Owner(s): Bob Pereira
Subject Property: 373 Patterson Bridge Road
 13S-31E-22C Tax Lot 200
Requested Action: Annexation and land use district map amendment (zone change)
Zoning: County Industrial to General Industrial (GI)

PROJECT DESCRIPTION AND BACKGROUND

Per ORS 222.750(2), when territory not within a city is surrounded by the corporate boundaries of the city, the city may annex the territory pursuant to this section after holding at least one public hearing on the question for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

Mr. Bob Pereira (373 Patterson Bridge Road) is the owner of a 1.08-acre parcel identified as Map Number 13S31E22C Tax Lot 200 in John Day. This parcel is subject to annexation under ORS 222.750(2).

<i>Tax Lot</i>	<i>Owner</i>	<i>Current Zoning</i>	<i>Proposed Zoning</i>
200	Bob Pereira	MG (County) Industrial General	GI (City) General Industrial

APPLICABLE CRITERIA

This request is for annexation with zoning 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. For lots such as this proposed for annexation that are an "island" completely surrounded by lands within the city limits, the only standards that apply shall be 5-4.10.050(A):

5-4.10.050 Approval Criteria

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.

REVIEW PROCESS

This proposed amendment will be reviewed as a Type IV (Legislative) Procedure pursuant to Code Section 5-4.1.050 and the decision-making criteria in Section 5-4.1.050(G) and the approval process in 5-4.1.050(H) and as required by ORS 222.750(2) prior to effecting the annexation.

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:

- Affidavit of Publication (Exhibit A)
- Certification of Public Notice (Exhibit B)
- Current Zoning (Exhibit C)
- Proposed Zoning (Exhibit D)
- Draft Ordinance No. 22-202-13 (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.

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.

APPROVAL CRITERIA FOR ANNEXATIONS

5-4.10.050 Approval Criteria

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

Findings: The proposed tax lot is an island within the city's UGB (see Exhibit C).

DECISION-MAKING CRITERIA FOR QUASI-JUDICIAL AMENDMENTS

5-4.1.050(G) Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

- 1. Approval of the request is consistent with the Statewide Planning Goals;*
- 2. Approval of the request is consistent with the Comprehensive Plan; and*
- 3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.*

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 require the annexation of properties with access to city utilities. Mr. Pereira is a current City water customer and has access to city sewer services at his property line. As required by the Comprehensive Plan, Policies Section 11(B) on page 82, "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." Annexation of 373 Patterson Bridge road should have occurred prior to connecting this property to city services, and therefore, the annexation is consistent with the criteria of the code.

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, staff recommends approval of AMD-22-04 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-22-04 based on the findings contained in the staff report and recommend the John Day City Council adopt an Ordinance 22-202-13 to effect the annexation of the subject property."

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, contractor
City Planning Official