



Phone (541) 575-0028
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450 East Main Street
John Day, Oregon 97845

July 5, 2017

SIGN PERMIT STAFF REPORT – LP-17-02

Application Number: LP-17-02
Applicant: Russ Young, Iron Triangle LLC
Property Owner: Iron Triangle LLC
Subject Property: 742 W. Main Street, John Day, OR 97845
Map 13S-31E-22D Tax Lot 305
Requested Action: Land Partition

PROJECT DESCRIPTION AND BACKGROUND

Iron Triangle LLC is the owner of the property located at 13S31E22D Tax Lot 305 in John Day, OR (742 W. Main Street). The owner wishes to create two new parcels on this lot: a 1.34 acre parcel that includes the current Timber Lodge Bistro retail establishment (proposed Parcel 1); and a new 2.44 acre parcel for a proposed motel/hotel (proposed Parcel 2). Partitions larger than one (1) acre shall be processed using a Type III procedure under Section 5-4.1.040. The property is zoned General Commercial (GC).

REVIEW PROCESS

Land Divisions and Property Line Adjustments are subject to the standards in Section 5-4.3 of the City of John Day Development Code (the Code).

All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in Chapter 5-4 of the Code. The procedure “type” assigned to each application governs the decision-making process for that permit or approval.

Preliminary plats involving four (4) or more lots (subdivision), replats involving four (4) or more lots, and partitions larger than one (1) acre shall be processed using a Type III procedure under Section 5-4.1.040. All preliminary plats shall be reviewed using approval criteria in Section 5-4.3.070.

Review of a final plat for a subdivision or partition shall be processed using a Type I procedure under Section 5-4.1.030, using the approval criteria in Section 5-4.3.090, except where the Planning Official requires that a Type II or Type III procedure is required due to changes the applicant proposes to the preliminary plat.

Staff has reviewed the application pursuant to the Code and the requirements for a land partition.

The application was deemed technically complete (ready for review) on June 12, 2017. The City must make a final decision, including a final city council decision on any appeal, within 120 days, or by October 12, 2017.

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. Certification of Notice attached (Exhibits C and D).

Responses were received from the Oregon Department of Transportation (ODOT) following the public notice.

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.

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:

- Land Partition Application (Exhibit A)
- Preliminary Plat (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. The parent parcel will remain partly in the county and partly in the city limits and future land use will be subject to the applicable code standards based on the proposed land use location(s). Parcels 1 and 2 are located in the GC district. Parcel 1 is currently in use as an eating establishment (classified as Retail Sales and Commercial Services). Parcel 2 is intended to be sold to a private party for the construction of a future hotel/motel (classified as Retail Sales and Commercial Services). A legal lot must be created prior to the sale. A separate public hearing will be held upon approval of the final plat and application by the future property owner for the proposed land use. As a result, this hearing will only determine whether the land partition meets the Code requirements. Both Parcel 1 and Parcel 2, as well as the parent parcel, meet the 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.

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: No alterations to streets, roads, sidewalks, bicycle lanes, pathways, utilities, or surface water management facilities are proposed in this land partition. ODOT right of way (ROW) and permitted driveways are identified in the Preliminary Plat. Driveways will be evaluated for change of use (trip generation) when the future development is proposed. Proposed Parcel 2 will not have access to the existing driveway located at proposed Parcel 1 (Timber Lodge Bistro driveway). A 30-foot access easement for the current owner will be established along the eastern portion of proposed Parcel 2. The private access and utility easement shown on the Preliminary Plat was vacated in 2011.

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: Access permits will be obtained with the subsequent site design application.

7. 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: No specific conditions are required by the City at this time, however, the proposed parcel and parent parcel will be subject to future design requirements as determined in an area development plan and transportation system plan (TSP) update conducted by the City scheduled to begin in August 2017. This plan will evaluate highway access, sidewalks, water system, wastewater and stormwater management requirements and other site design criteria for the proposed parcels and for the adjacent

properties. The County Planning Department must also independently approve a land partition for the parent parcel as a portion of the parcel currently resides in the County.

8. *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: Not applicable.

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: The proposed land use for Parcel 2 (future hotel) that a project proposal, will have specific conditions due to projected traffic and the need to connect to City water, sewer or storm drainage. These future public improvements will be addressed in the site design application and are not required for the land partition application.

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, staff recommends approval of LP-17-02. It is the applicant's responsibility to demonstrate compliance with the conditions of approval.

PLANNING COMMISSION MOTION

After hearing the applicant's presentation and any public testimony, the Planning Commission must allow the applicant an opportunity to rebut any opposing testimony. Then the Commission will close the hearing and deliberate. The following motion is suggested:

"I move to approve Land Partition Application LP-17-02 based on the findings and subject to the conditions of approval contained in the staff report [as amended]."

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 5th day of July, 2017



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

Attachments: Land Partition Application (Exhibit A)
Preliminary Plat (Exhibit B)
Affadavit of Publication (Exhibit C)
Certification of Public Notice (Exhibit D)

EXHIBIT A. LAND PARTITION APPLICATION

**CITY OF JOHN DAY
APPLICATION FOR LAND PARTITION**

Applicant Iron Triangle, LLC Phone (541) 575-2102

Address 433 Patterson Bridge Rd City John Day State OR Zip 97845

Property Owner Iron Triangle, LLC Phone (541) 575-2102

Address 433 Patterson Bridge Rd City John Day State OR Zip 97845

Property Location Address 742 W. Main, John Day, OR Tax Lot 13S31E22D 305

Zoning _____ Present Parcel Size 20.97+/- Ac. Number of Proposed Parcels 3

Proposed Parcel Size: Parcel 1 1.34 Ac. Parcel 2 2.44 Ac. Parcel 3 17.2+/- Ac.

Present Use Par.1: Timbers Restaurant; Par.2: Vacant, Parking; Par.3: Vacant

Proposed Use Par. 1: Unchanged; Par.2: Proposed Motel; Par. 3: unchanged

As part of your land use request, you must submit the following information:

The Property Deed.

Names and addresses of adjoining landowners.

A map showing the following information.

- ✓1) Applicants name;
- ✓2) Legal description of property, and tax lot number;
- ✓3) North arrow and scale;
- ✓4) Proposed division line(s) and proposed area of each parcel;
- 5) Location of adjacent streets, and any proposed access indicating if it is proposed to be private or public access;
- 6) Location of existing domestic water and sewer lines;
- 7) Location of creeks, streams, ponds, springs or other drainage ways;

I agree to abide by the requirements of the ordinances adopted by the City of John Day as they apply to this request. I agree to provide any supplemental materials or information that may be necessary or requested by the City Planning Department, which may be required to process this application

Applicant's Signature  Date 6-12-17

Owner's Signature (if different) _____ Date _____

FOR OFFICIAL USE ONLY

Application received by _____ Date _____

Application fee of _____ received Date _____

THIS APPLICATION IS

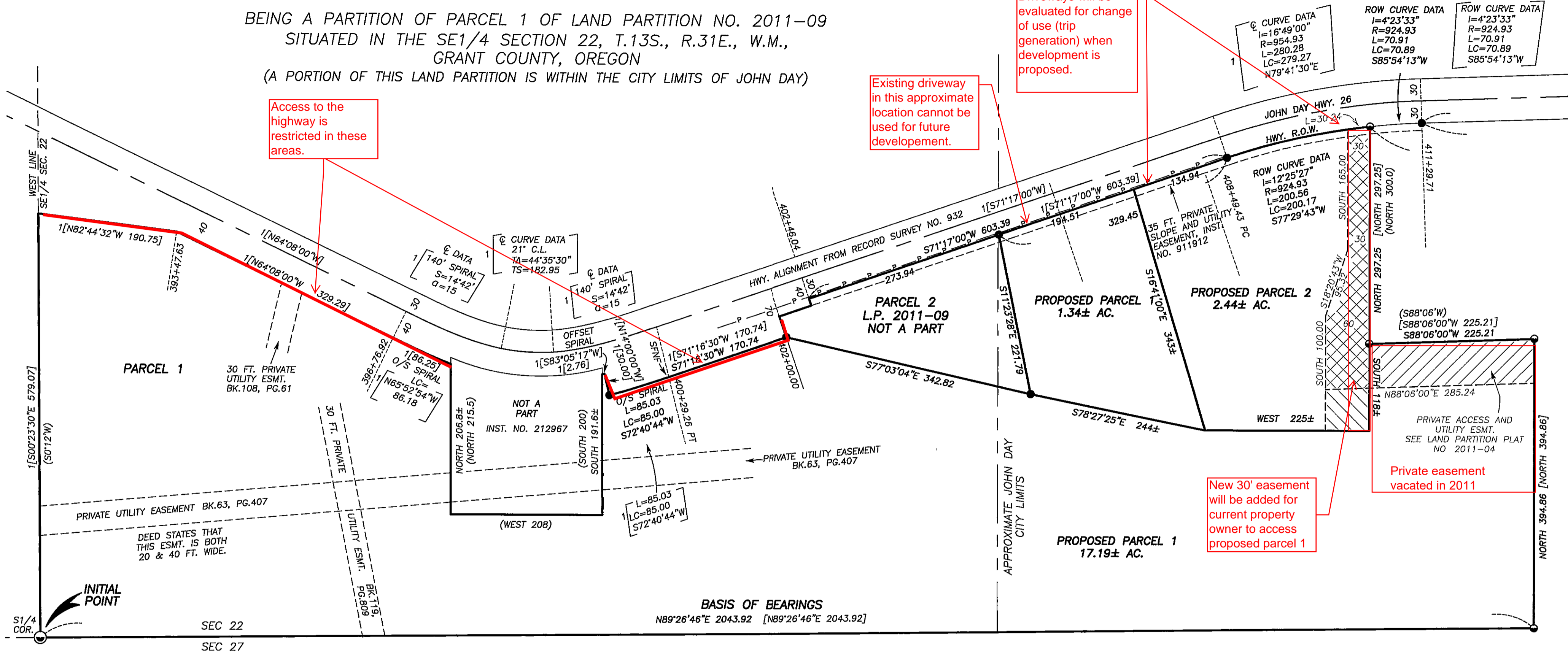
Approved _____ Not Approved _____ Requires Additional Information _____

City of John Day Planning Director

Date

PRELIMINARY LAND PARTITION PLAT

BEING A PARTITION OF PARCEL 1 OF LAND PARTITION NO. 2011-09
SITUATED IN THE SE1/4 SECTION 22, T.13S., R.31E., W.M.,
GRANT COUNTY, OREGON
(A PORTION OF THIS LAND PARTITION IS WITHIN THE CITY LIMITS OF JOHN DAY)



Access to the highway is restricted in these areas.

Existing driveway in this approximate location cannot be used for future development.

Existing driveways here are permitted for the day use park. Westerly driveway to become joint use for proposed parcel 1. Driveways will be evaluated for change of use (trip generation) when development is proposed.

New 30' easement will be added for current property owner to access proposed parcel 1

Private easement vacated in 2011

LEGEND

- FOUND 2" GALV. IRON PIPE WITH ATTACHED BRASS CAP SHOWN ON 1955 HALL ACRES SUB'D PLAT
- RECORD SURVEY MONUMENTS
- () DEED RECORD BEARING AND DISTANCE
- [] RECORD BEARING AND DISTANCE FROM LAND PARTITION PLAT NO. 2011-04
- 1[] RECORD BEARING AND DISTANCE FROM SURVEY NO. 932
- HIGHWAY CENTERLINE
- EASEMENT
- P- EXISTING OVERHEAD POWER LINE
- /// EASEMENT CREATED ON PARTITION PLAT
- \\ \\ PROPOSED PRIVATE ACCESS EASEMENT



LEGAL DESCRIPTION

Land situated in the SE1/4 Section 22, T.13S., R.31E., W.M., City of John Day, Grant County, Oregon described as follows:

Parcel 1 of Land Partition No. 2011-09, As shown on the plat thereof, on file and of record in the office of the Grant County Clerk.

TAX MAP AND LOT

13S31E S22D 30S

APPLICANT
IRON TRIANGLE, LLC
433 PATTERSON BRIDGE RD.
JOHN DAY, OR, 97845
541-575-2102



BENCHMARK LAND SURVEYING 217 N. CANYON BLVD. JOHN DAY, OREGON 2101 MAIN STREET, STE 223 BAKER CITY, OREGON 541-575-1251 ~ 800-699-0516	
BEING A PARTITION OF PARCEL 1 OF LAND PARTITION NO. 2011-09 SITUATED IN THE SE1/4 SECTION 22, T.13S., R.31E., W.M., GRANT COUNTY, OREGON (A PORTION OF THIS LAND PARTITION IS WITHIN THE CITY LIMITS OF JOHN DAY)	
SURVEYED FOR	IRON TRIANGLE, LLC
PREPARED BY	MCS
Scale: 1"=100'	6/9/2017

EXHIBIT C. AFFADAVIT OF PUBLICATION

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR GRANT COUNTY

JUN 30 2017
CITY OF JOHN DAY

}

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of GRANT } ss

I, Lindsay Bullock, being duly sworn, depose and say that I am the principal clerk of the publisher of the Blue Mountain Eagle, 195 North Canyon Blvd, John Day, OR 97845, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day in the aforesaid county and state; that the

City of John Day - 7/6/17 Public Hearing Notice

a printed copy of which is here to annexed; was published in the entire issue of said newspaper for 2 issues in the following issues:

June 21, 2017

June 28, 2017

Subscribed and sworn to before me on this 28th day of June, 2017.

Lindsay Bullock
Marissa Williams

Notary Public of Oregon



Notice of Public Hearing

Notice is hereby given that the John Day Planning Commission is considering the following land use application(s) under Chapter 5-4.2 Land Use Review and Site Design Review of the John Day City Code.

Kam Wah Chung – Sign Variance

Mr. Jerry Franklin has applied for a Class B Variance for a sign to be located at 13S31E26BB Tax Lot 300 in John Day, OR (401 W. Main Street). The applicant wishes to place a sign for the Kam Wah Chung museum on the southeastern corner of the property along U.S. Highway 26. Mr. Franklin is requesting a Class B Variance to build the sign to a height of twenty-nine (29) feet, taller than the standard height of eight (8) feet. The property is zoned General Commercial (GC).

Ineta Carpenter – Setback Variance

Mrs. Ineta Carpenter is the owner of the property located at 13S31E23CD Tax Lot 2800 in John Day, OR (212 NW 3rd Ave). The owner wishes to place an accessory structure on the property for use as a garage. Mrs. Carpenter is requesting a Class B Variance to build with a setback of five (5) feet from the rear property line, closer than the standard setback of ten (10) feet. The property is zoned Residential Limited (RL).

Iron Triangle LLC – Land Partition

Iron Triangle LLC is the owner of the property located at 13S31E22D Tax Lot 305 in John Day, OR (742 W. Main Street). The owner wishes to create a new 2.44 acre parcel on the property for a proposed motel/hotel. Partitions larger than one (1) acre shall be processed using a Type III procedure under Section 5-4.1.040. The property is zoned General Commercial (GC).

A public hearing will take place on Thursday, July 6 at 6:00 p.m. in the John Day Fire Hall, 316 S. Canyon Boulevard, John Day, OR. Copy of the subject application(s), all documents, and evidence relied upon by the applicant(s) and applicable criteria are available for inspection at the John Day City Hall at no cost; copies will be provided upon request at a reasonable cost. Copies of the City Planning Staff Report on the subject application will be available for inspection not less than seven (7) days prior to said hearing at no cost; copies will be provided upon request at a reasonable cost.

Persons or parties interested in or concerned about the subject application *may appear in person* at said hearing, or may submit written testimony to City Hall on or before the date of the hearing. Failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the *City Council and/or State Land Use Board of Appeals* based on that issue.

Any questions regarding the hearing should be directed to the City Manager at 450 E. Main, John Day or phone (541) 575-0028, Monday through Friday from 8:00 a.m. to 4:00 p.m, or by email to cityofjohnday@grantcounty-or.gov.

EXHIBIT D. CERTIFICATION OF PUBLIC NOTICE

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

CERTIFICATION OF PUBLIC NOTICE

IN THE MATTER OF AN APPLICATION FOR LAND PARTITION NO. LP-17-02, BY:
IRON TRIANGLE LLC. 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 15th day of June, 2017, to the person, parties and agencies listed below. A copy
of said notice is attached hereto.

Lot	Map	Name	Address
303	13S31E22D	Iron Triangle LLC	433 Patterson Bridge Road, John Day, OR, 97845
400	13S31E22DD	JD Rents & Power Equipment Inc	306 N Canyon Blvd, John Day, OR 97845
500	13S31E22DD	Franklin, Jerry E & Marcia V	30923 N River Road, Prairie City, OR 97969
600	13S31E22DD	Cernazanu, Jeanete	350 Highland Place, John Day, OR 97845
700	13S31E22DD	Shree Yogeshwar, Inc	711 W. Main Street, John Day, OR 97845
800	13S31E22DD	Newton, Julia L	11 Wood Hollow Road, Lookout Mountain, CA 30750
1600	13S31E22DD	L B K Enterprises, LLC	LBK Enterprises, PO Box 357, Canyon City, OR 97820
		Oregon Department of Transportation	Emailed
		Oregon State Fire Marshall	Emailed
		Grant County Planning Department	Emailed
		JD Fire Chief Ron Smith	Emailed
		JD Police Chief Richard Gray	Emailed
		JD Public Works Director Monte Legg	Emailed

So certified this 15th day of June, 2017.



Nicholas A. Green, Planning Official