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450 East Main Street  
 John Day, Oregon 97845

October 22, 2018

**LAND USE DISTRICT MAP AND TEXT AMENDMENTS (TYPE III) – AMD-18-01**

**Application Number:** AMD-18-01  
**Applicant:** City of John Day / Oregon State Parks & Recreation  
**Property Owner(s):** City of John Day / Oregon State Parks & Recreation  
**Subject Property:** Gleason Park & Kam Wah Chung Properties  
 13S-31E-23CC Tax Lots 3000, 3002, 4000, 4200, 4400  
**Requested Action:** Land use district map amendment  
**Zoning:** General Commercial (GC) and Residential Limited (RL)

**PROJECT DESCRIPTION AND BACKGROUND**

The City of John Day and Oregon State Parks and Recreation (OPRD) own properties commonly referred to as Gleason Park & Pool and the Kam Wah Chung State Heritage Site (the “Applicants”). Applicants are requesting an amendment to the land use district map to change the land use designations for these properties from General Commercial (GC) and Residential Limited (RL) to Park Reserve (PR). The proposed changes are shown in the table, below.

<i>Tax Lot</i>	<i>Owner</i>	<i>Current Zoning</i>	<i>Proposed Zoning</i>
3000	City of John Day	RL	PR
3002	OPRD	RL	PR
4000	OPRD	RL	PR
4200	OPRD	RL	PR
4400	OPRD	GC	PR

**APPLICABLE CRITERIA**

This request is for a 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.

Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments and application of master planned development overlay zones to individual properties shall follow the Type III procedure, as governed by Section 5-4.1.040, using standards of approval in Section 5-4.7.030.B.

## **REVIEW PROCESS**

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

### **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:

- Certification of Public Notice (Exhibit A)
- Existing Zoning (Exhibit B)
- Proposed Zoning (Exhibit C)

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.

## **APPROVAL CRITERIA FOR QUASI-JUDICIAL AMENDMENTS**

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan;
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
5. The amendment conforms to the Transportation Planning Rule provisions under Section 5-4.7.060.

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.

#### **5-4.7.030      *Quasi-Judicial Amendments***

*1) Approval of the request is consistent with the Statewide Planning Goals;*

**Findings:** The foundation of statewide program for land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals. The goals express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources. Goal 8 (Recreational Needs) requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public. Rezoning these tax lots recognizes they will continue to be used for public recreation well into the future. It also facilitates future development of this site for the proposed Kam Wah Chung Heritage Center and will improve public access to this location by enabling future park amenities to be established within this zone.

*2) Approval of the request is consistent with the Comprehensive Plan;*

**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 provide adequate facilities for recreation and tourism, including improved recreational vehicle parking, all of which are allowed within the Park Reserve (PR) district.

*3) The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period;*

**Findings:** The property is currently served by city restrooms, streets and utilities. No new development is proposed with this zoning change. Therefore, this criterion is satisfied.

*4) The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and*

**Findings:** Zoning these properties as Park Reserve reflects their current and proposed usage as a state heritage site. This location is also considered a land and water conservation fund (LWCF) area because LWCF funds were used in its initial development. As a result, the Park Reserve zoning more accurately reflects the neighborhood and community conditions for these properties.

*5) The amendment conforms to the Transportation Planning Rule provisions under Section 5-4.7.060.*

**Findings:** When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in

accordance with Oregon Administrative Rule (OAR) 660-012- 0060 (Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 5-4.1.090. This criterion does not apply to this map change.

**CONCLUSION AND STAFF RECOMMENDATION**

Based on the foregoing analysis and findings, staff recommends approval of AMD-18-01 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-18-01 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. 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 22nd day of October, 2018:



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

Enclosures

## Exhibit A

### CITY OF JOHN DAY GRANT COUNTY, OREGON

#### CERTIFICATION OF PUBLIC NOTICE

IN THE MATTER OF AN APPLICATION FOR LAND USE DISTRICT MAP AMENDMENT NO. AMD-18-01, BY: CITY OF JOHN DAY AND OREGON STATE PARKS AND RECREATION DEPARTMENT. 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 4th day of October 2018, to the person, parties and agencies listed below. A copy of said notice is attached hereto.

<b>Lot</b>	<b>Map</b>	<b>Name</b>	<b>Address</b>
3000	13S31E23CC	City of John Day	450 E. Main Street, John Day, OR 97845
3002 4000 4200 4400	13S31E23CC	Oregon State Parks and Recreation	OPRD Kam Wah Chung Attn: Stewardship Division 725 Summer Street NE, Ste C Salem, OR 97301
4802	13S31E23CC	JD-CC Parks and Recreation District	PO Box 762, John Day, OR 97845
3100	13S31E23CC	Bond, Monty Ray	318 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3200	13S31E23CC	Schurr, Jamie and Denise	38157 Middle Ridge Road, Lebanon, OR 97355
3300	13S31E23CC	Fleming, Diania M - Ttee	314 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3400	13S31E23CC	Leblanc, Patricia J	310 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3500	13S31E23CC	Culley, Makayla M	308 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3600	13S31E23CC	Ladd, Linda M -Ttee	308 NW 5 <sup>th</sup> Street, John Day, OR 97845
3700	13S31E23CC	Petroleum Compliance Srvcs,Inc	304 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3800	13S31E23CC	Higgins, Maria L – Etal	302 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3900	13S31E23CC	Lubell, Eric & Kristin	300 NW 3 <sup>rd</sup> Street, John Day, OR 97845
4001	13S31E23CC	DesJardin, Michael - Etux	208 NW Canton St., John Day, OR 97845
4004	13S31E23CC	Stout, Carolyn E & Carl J	112 Lamford Dr., John Day, OR 97845
4500	13S31E23CC	Chester's Real Estate, LLC	429 W. Main Street, John Day, OR 97845
4700	13S31E23CC	Cronin, Daniel L	215 Franke Dr., John Day, OR 97845
4701	13S31E23CC	Sherman, Megan	521 W. Main Street, John Day, OR 97845
2700	13S31E23CD	Roller, Jennie A - Etal	216 NW 3 <sup>rd</sup> Street, John Day, OR 97845
3400	13S31E23CD	Klusmier, James & Stacie	227 NW 2 <sup>nd</sup> Street, John Day, OR 97845
3500	13S31E23CD	Breck, Robert A	228 NW 2 <sup>nd</sup> Street, John Day, OR 97845
4500	13S31E23CD	Labhart, Christopher B - Etux	318 SE Hillcrest Dr., John Day, OR 97845
4700	13S31E234D	Wood, Connie M - Ttee Etal	133 NW Canton St., John Day, OR 97845
4800	13S31E23CD	Goin, Lonnie O Sr	PO Box 687, John Day, OR 97845
4901	13S31E26BA	Grant County Library Foundation	PO Box 875, John Day, OR 97845
100	13S31E26BB	Sanford, John M	132 NW Canton St., John Day, OR 97845
200	13S31E26BB	Community Methodist Church	PO Box 183, Canyon City, OR 97820
700	13S31E26BB	Fenton, Monika	417 W. Main Street, John Day, OR 97845

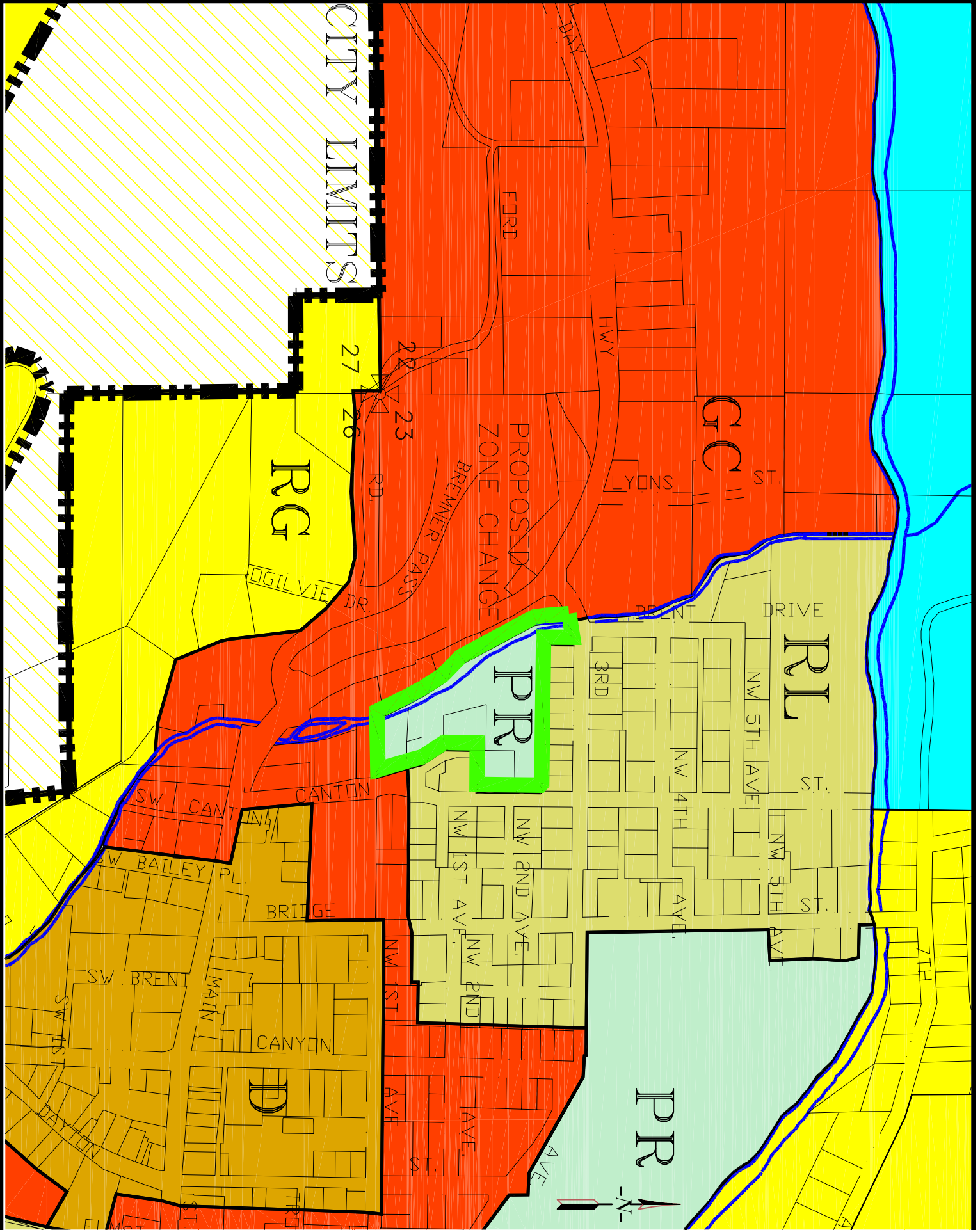
	Grant County Planning Department	Emailed
	John Day City Staff	Emailed

So certified this 4th day of October 2018.



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Nicholas A. Green, Planning Official





PROPOSED ZONING MAP CHANGES