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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-18-02

**Application Number:** AMD-18-02  
**Applicant:** City of John Day  
**Property Owner(s):** City of John Day  
**Subject Property:** Hill Family Park  
13S-31E-23CB Tax Lot 1400  
**Requested Action:** Land use district map amendment  
**Zoning:** Residential Limited (RL)

### PROJECT DESCRIPTION AND BACKGROUND

The City of John Day (the “City”) owns the property located at the northeast terminus of Canton Street (13S-31E-23CB Tax Lot 1400). City is requesting an amendment to the land use district map in order to change the land use designations for this property from Residential Limited (RL) to Park Reserve (PR).

Per the conditions of the City’s purchase and sale agreement with C&C Hill LLC executed on July 26, 2018, City agreed to a 30-year period during which Parcel 1 of this property would be used as a public park to be named the Hill Family Park. In a subsequent lot line adjustment (PLA-18-02) City acquired a portion of Parcel 3, which expanded Parcel 1 to 5.01+/- acres. This amendment will re-district this newly expanded Parcel 1 as Park Reserve (PR) to reflect the change in land use.

### 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 be used for public recreation well into the future. It also facilitates future development of this site for a proposed city park and will improve public access to this location by enabling future park amenities to be established within this zone. Specific developments are not proposed at this time but will be reviewed at a future planning commission hearing as part of the Innovation Gateway Area Development Plan scheduled to begin in October 2018.

##### *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 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 proposed use as a city park. This location was identified by the John Day City Council as the site for a future park during previous council meetings, including a pre-acquisition meeting held on July 24, 2018. The city completed a Phase 1 Environmental Site Assessment prior to purchasing the property in July 2018. No recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), controlled recognized environmental conditions (CRECs) or business environmental risks (BERs) were identified during the assessment. As a condition of the City's purchase and sale agreement with C&C Hill LLC, the City agreed to a period of 30 years during which the location will be designated as the "Hill Family Park."

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-18-02 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-18-02 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**

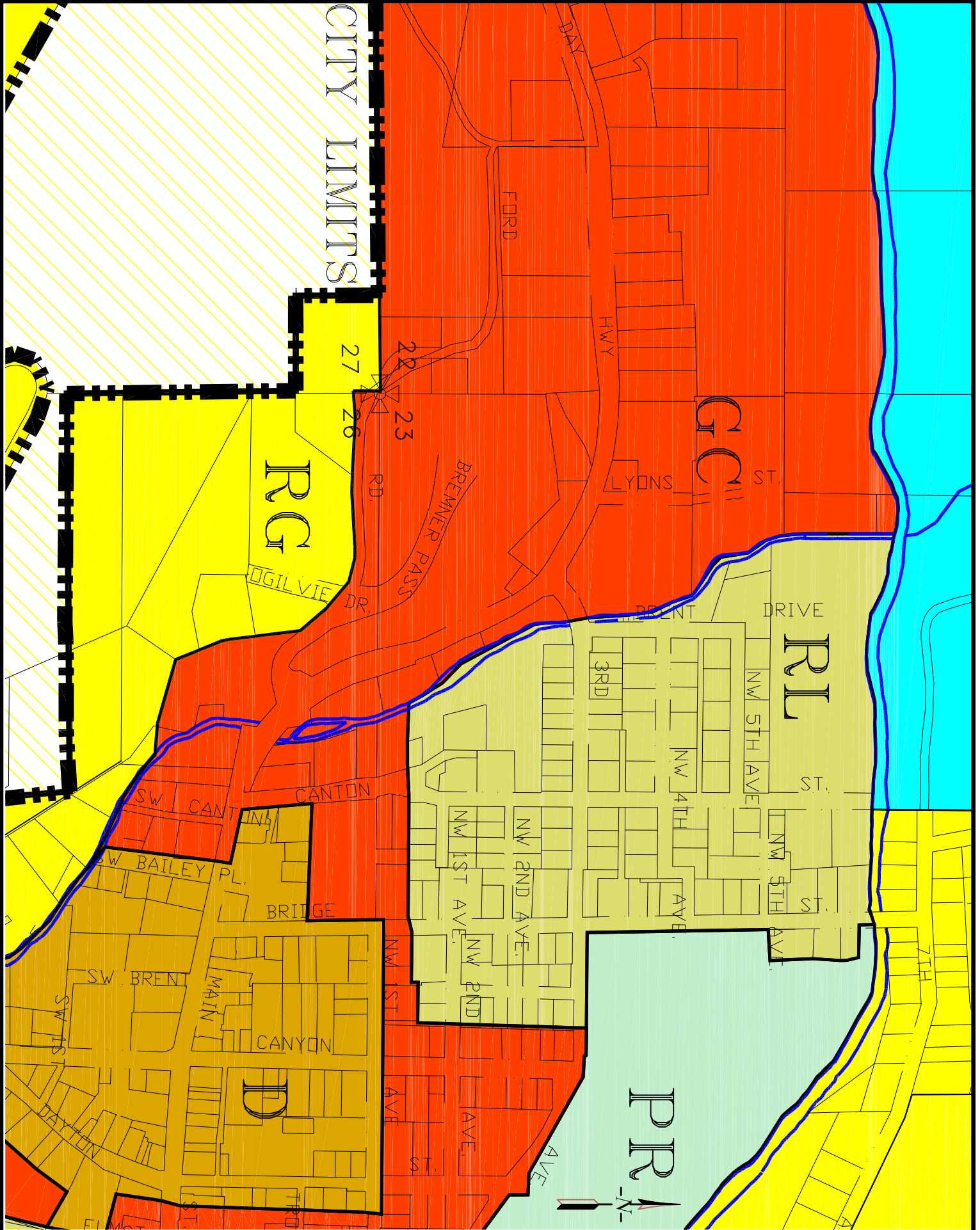
IN THE MATTER OF AN APPLICATION FOR LAND USE DISTRICT MAP AMENDMENT NO. AMD-18-02, BY: CITY OF JOHN DAY. I, Nicholas A. Green, City Planning Official, do hereby certify that a Public Notice in the matter of the subject land use application was sent first class mail or hand delivered on this 4th day of 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>
1410	13S31E23CB	John A Rowell – Etal	309 NW 5 <sup>th</sup> Street, John Day, OR 97845
703 1407 1408	13S31E23CB	Hayes Development, LLC	Estate Builders of Oregon 2397 NW Kings Blvd. #241 Corvallis, OR 97330
1409	13S31E23CB	C & C Hill, LLC	c/o Celeste Hill-Thomas PO Box 1275, The Dalles, OR 97058
700	13S31E23CB	City of John Day	450 E Main Street, John Day, OR 97845
400 10600	13S31E23CD	Brie August Myers	215 NW 5 <sup>th</sup> Avenue, John Day, OR 97845
2600	13S31E23CA	Sally & Jeffrey Knowles	PO Box 573, Mt. Vernon, OR 97865
600	13S31E23CC	Christopher T & Erin E Beil	590 NW Brent, John Day, OR 97845
601 1600	13S31E23CC	Dean & Joyce M Nodine – Ttees	313 NW 4 <sup>th</sup> Street, John Day, OR 97845
300	13S31E23CC	Tommy J Skiens	204 NW 7 <sup>th</sup> Street, John Day, OR 97845
4800	13S31E23CC	Les Schwab Tire Centers, Inc	PO Box 5350, Bend, OR 97708
		Grant County Planning Department	Emailed
		John Day City Staff	Emailed

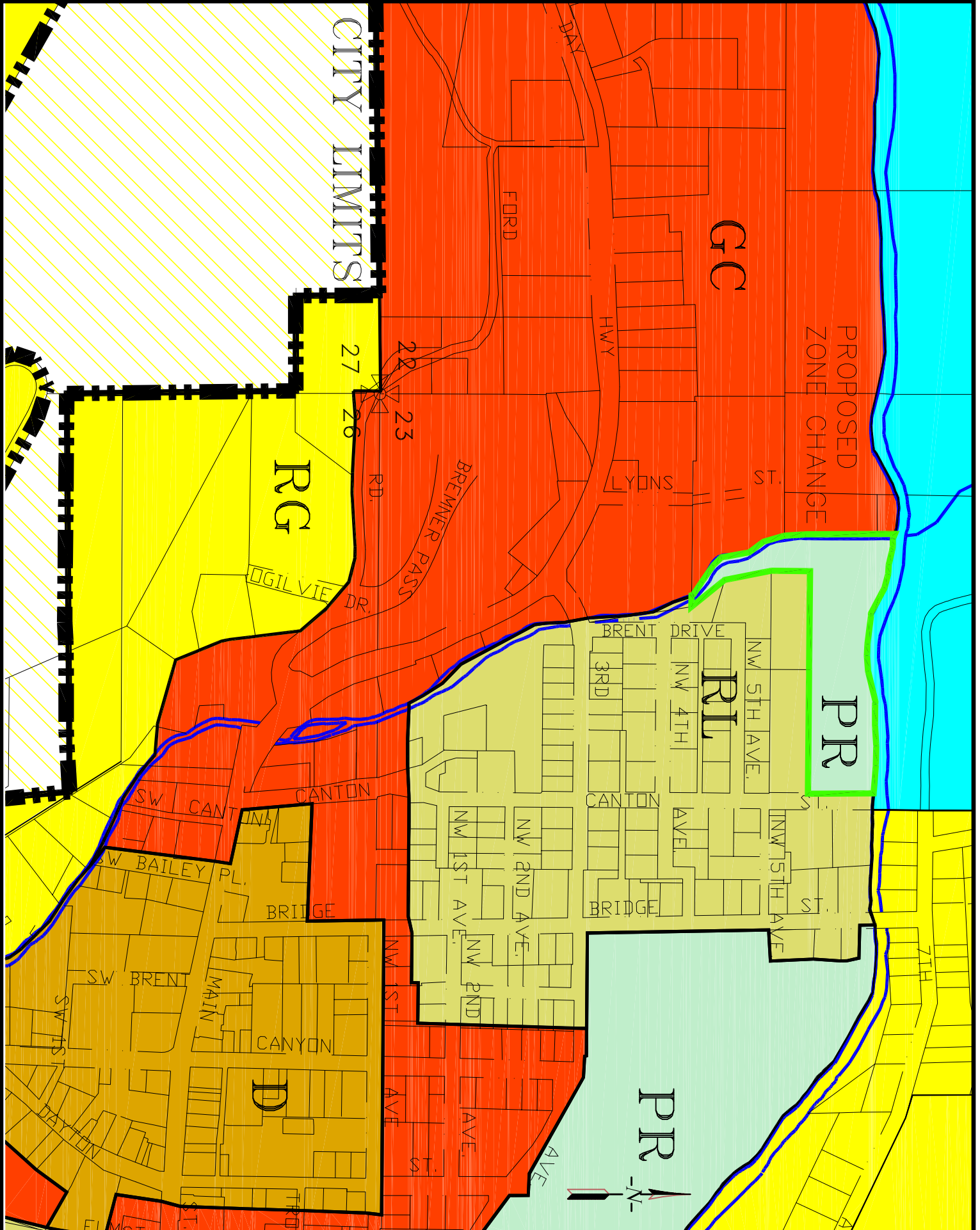
So certified this 4th day of October 2018.



Nicholas A. Green, Planning Official



CURRENT ZONING MAP



PROPOSED ZONING MAP CHANGES