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450 East Main Street
John Day, Oregon 97845

December 20, 2018

LAND PARTITION STAFF REPORT – LP-18-03

Application Number: LP-18-03
Applicant: Grant County
Property Owner: Grant County
Subject Property: 742 W. Main Street, John Day, OR 97845
Map 13S-31E-26AA Tax Lot 1500
Requested Action: Land Partition

PROJECT DESCRIPTION AND BACKGROUND

Grant County is the owner of the property located at 13S31E26AA Tax Lot 1500 in John Day, OR (528 E. Main Street). The owner wishes to create two new parcels on this lot: an 0.94-acre proposed parcel that includes the Grant County Health Department (proposed Parcel 1) and an 0.43-acre parcel for the “L-Building” (proposed Parcel 2), which includes the Food Bank and Economic Development Office, among others. 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 November 29, 2018. The City must make a final decision, including a final city council decision on any appeal, within 120 days, or by March 29, 2019.

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. Parcels 1 and 2 are located in the GC district. Both parcels will retain their current uses after the land partition. Both Parcel 1 and Parcel 2 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 for any future improvements proposed at either location.

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) if/when the future development is proposed.

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: Not applicable.

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 because there is no proposed change in use.

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: None required.

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, staff recommends approval of LP-18-03. 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-18-03 based on the findings and subject to the conditions of approval contained in the staff report."

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 20th day of December, 2018

A handwritten signature in blue ink, appearing to read "Nick Green", is written over the typed name.

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

Attachments: Land Partition Application (Exhibit A)
Preliminary Plat (Exhibit B)

EXHIBIT A. LAND PARTITION APPLICATION

CITY OF JOHN DAY
APPLICATION FOR LAND PARTITION

Applicant Grant County, Oregon Phone 541-575-0059

Address 201 S. Humbolt City Canyon City State OR Zip 97820

Property Owner Grant County, Oregon Phone 541-575-0059

Address 201 S. Humbolt City Canyon City State OR Zip 97820

Property Location Address 528 E. Main St., John Day Tax Lot 13S31E 26AA 1500

Zoning General Commercial Present Parcel Size 1.38 AC. Number of Proposed Parcels 2

Proposed Parcel Size: Parcel 1 0.95 AC. Parcel 2 0.43 AC. Parcel 3 _____

Present Use Proposed Parcel 1 is currently the County Health Department, Parcel 2 is Currently the County "L" building which includes the Food Bank and Economic Development among others.

Proposed Use There will be no significant change in the proposed use of either parcel.

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 Scott W. Myers Date 11/28/18

Owner's Signature (if different) _____ Date _____

FOR OFFICIAL USE ONLY

Application received by Chantal Dufferdin Date 11/29/18

Application fee of \$300⁰⁰ received Date 11/29/18 C022205
ck# 4733

RECEIVED
NOV 29 2018
CITY OF JOHN DAY

THIS APPLICATION IS

Approved _____ Not Approved _____ Requires Additional Information _____

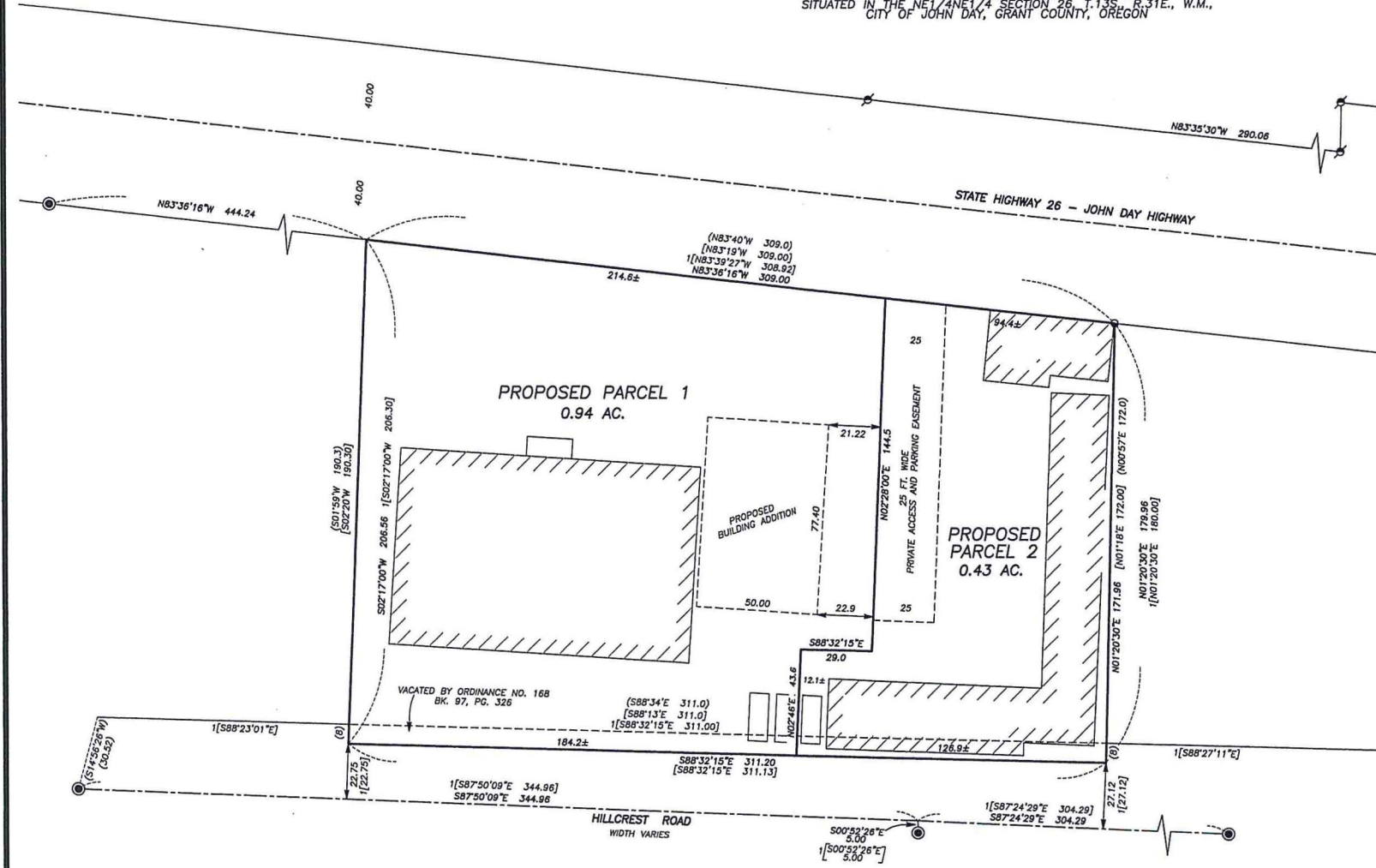
City of John Day Planning Director

Date

EXHIBIT B. PRELIMINARY PLAT

PRELIMINARY LAND PARTITION PLAT

GRANT COUNTY HEALTH DEPT. AND "L" BUILDING
SITUATED IN THE NE1/4NE1/4 SECTION 26, T.13S., R.31E., W.M.,
CITY OF JOHN DAY, GRANT COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
MICHAEL C. SPRINGER
#70918
EXPIRES: 6/30/2020

NOTE:
THE FINAL PARCEL DIMENSIONS AND AREAS WILL
CHANGE SLIGHTLY UPON COMPLETION OF THE FINAL SURVEY



BENCHMARK LAND SURVEYING
217 N. CANYON BLVD. JOHN DAY, OREGON
1207 DEWEY AVE., BAKER CITY, OREGON
541-876-1251 ~ 541-523-6882

PROPOSED LAND PARTITION
GRANT COUNTY HEALTH DEPT. AND "L" BUILDING
SITUATED IN THE NE1/4NE1/4 SECTION 26, T.13S., R.31E., W.M.,
CITY OF JOHN DAY, GRANT COUNTY, OREGON

SURVEYED FOR	GRANT COUNTY	
SURVEYED BY	MCS	11/28/2018
SCALE: 1"=30'	DRAWN BY: MCS	