



Phone (541) 575-0028
Fax (541) 575-3668

450 East Main Street
John Day, Oregon 97845

May 14, 2019

STAFF REPORT – LAND USE REVIEW (TYPE III) – LUR-19-01

Application Number: LUR-19-01
Applicant: David Holland
Property Owner: David & Lisa Holland
Subject Property: 850 NW Bridge Street, John Day, OR 97845
Map 13S-31E-26CB Tax Lot 503
Requested Action: Land Use Review & Class B Variance Request (Type III)
Zoning: Residential General (RG)

REQUEST

Mr. and Mrs. Holland are the owners of the property located at 13S31E26CB Tax Lot 503 in John Day (850 NW Bridge Street). The owners wish to improve an existing storage shed (14' x 40') that currently has a 10-foot front setback from Bridge Street. Owners wish to remodel and extend the shed 14 feet south to enlarge the building to a 28' x 40' storage building for storage/hobby shop.

Applicant has requested a Class B variance to maintain the existing 10-foot setback from Bridge Street for the expansion. The standard minimum front setback is 20 feet from garage/carport opening to sidewalk or right-of-way, whichever is closest. This property is zoned Residential General (RG). Subject application is attached (Exhibit A).

APPLICABLE CRITERIA

This Land Use Review and Variance Request is for an accessory structure (attached shop/storage facility).

Accessory structures are allowed in the RG zone subject to the standards in Section 5-2 of the City of John Day Development Code (the Code), specifically sections 5-2.2.030 (Development Standards for Residential Districts).

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.

Class B variances are allowed for requests that do not otherwise meet the criteria under subsection 5-5.1.030 (Class A Variance), pursuant to the limitations under subsections 1-3, below, and the approval criteria in Sections 5-5.1.040C through 5-5.1.040G. Class B variances shall be reviewed using a Type III procedure under Chapter 5-4.1.040.

REVIEW PROCESS

The Planning Official referred the request to the Planning Commission pursuant to Section 5-4.1.040. The Planning Commission’s review must focus on the relevant code criteria and follow the public hearing procedures for a Type III procedure (Class B variance) under Section 5-5.1.

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 days before the hearing, notice of the hearing was printed in The Blue Mountain Eagle. Certification of Notice attached (Exhibit B). No public comments were received regarding the application.

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.

FINDINGS

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.

5-5.1.040 Class B Variances

A Class B Variance may be approved only upon finding it meets all of the following criteria:

1. *The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land use.*

Findings: The proposal expands a non-conforming use but does not encroach further into the setback zone than the existing building. As such, the proposal from the applicant is consistent with existing developments and does not create any new encumbrances on the City's right of way along Bridge Street.

2. *The variance is the minimum necessary to address the special or unique physical circumstances referenced in subsection 5-5.1.040B(1).*

Findings: The applicant's request to extend the existing shop in the same plane as the current building is the minimum plan necessary to continue the existing structure so that it has a single, street-facing façade.

3. *The variance conforms to the provisions of subsections 5-5.1.040C through 5-5.1.040G, as applicable.*

Findings: Section C refers to vehicular access and circulation; Section D refers to street tree requirements; Section E refers to parking and loading standards; Section F refers to natural features; and Section G refers to transportation improvement requirements. Only Section G is applicable to the subject application.

Section G states: *The City may grant a variance to the standards of Section 5-3.4.010 when the variance is not in conflict with the Transportation System Plan and is determined to be in the public interest.*

The 2009 Local Street Network Plan is part of the City's TSP and includes a proposal to construct 6-foot sidewalks along both sides of NW Bridge Street, from 7th Street to the Charolais Heights Intersection. The proposed development does not encroach into the City's street right-of-way and the proposed sidewalks could still be constructed, however, it is unlikely as the City's intent is to steer pedestrian traffic off of NW Bridge Street and onto the new trails the City is constructing between 7th Street, Davis Creek and the John Day River. Multi-modal traffic will be able to navigate from the Charolais Heights intersection to the 7th Street complex by way of the Davis Creek connector trail, which takes pedestrian traffic off NW Bridge Street. A new parking lot is proposed at the west entrance of the 7th Street Complex that will also eliminate the need to park along NW Bridge Street. As a result of these new improvements, the double sidewalk proposed in the 2009 Plan is unlikely to be pursued by the City.

4. *The variance does not conflict with other applicable City policies or other applicable regulations.*

Findings: No other city policies or regulations conflict with the proposal.

5. *The variance will result in no foreseeable harm to adjacent property owners or the public.*

Findings: No responses were received by the City Planning Official from adjacent property owners or the general public. As the other criteria for a Class B variance have been met, no foreseeable harm will result from the applicant's proposal.

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, staff recommends approval of the Class B Variance as requested.

PLANNING COMMISSION DECISION

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 LUR-19-01 based on the findings 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 14th day of May 2019,



Nicholas Green
City Manager / City Planner
City of John Day

Attachments:

Application form and narrative (Exhibit A)
Certification of Notice (Exhibit B)
Site Map (Exhibit C)

EXHIBIT A

CITY OF JOHN DAY
450 EAST MAIN STREET
JOHN DAY, OR 97845

Phone: 541-575-0028
Fax: 541-575-3668

VARIANCE APPLICATION

I. BACKGROUND INFORMATION

Applicant

Applicant Name: David Holland Phone: 541 575 1327

Address: 850 NW Bridge St John Day

Applicant Standing (Fee Owner, Contract Purchaser, etc.): Owner

Property Owner (if different)

Name: _____ Phone: _____

Address: _____

Property Information

Property Address: 850 NW Bridge St John Day

Township; Range; Section; Tax Lot: 135 31E 23CB Lot 503

Zone: RG Property Size: 0.44 acres

Existing Use/Structures: 14'x40' storage shed approx 10' set back

Application Proposal: Remodel and extend existing storage shed 14' south to enlarge building to a 28'x40' storage building for 24' pontoon boat and barn wood & lumber with hobby shop in back

FOR OFFICE USE ONLY

RECEIVED

File Number: _____

APR 19 2019

Submittal Date: 4-19-19 Fee: \$250.00 Received by: _____
CITY OF JOHN DAY

Application Type: _____ Completeness: _____ 120 Day: _____

II. APPLICATION REQUIREMENTS

5-5.1.050 Variance Application and Appeals

- A. **Application.** The variance application shall conform to the requirements for Type II or III applications (Sections 5-4.1.030 or 5-4.1.040), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.
- B. **Appeals.** Appeals of variance decisions shall be processed in accordance with the appeal provisions of Chapter 5-4.1.
- C. **Expiration.** A variance approval shall expire if not acted upon by the property owner within one (1) year of the City approving the variance. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site design review or preliminary subdivision plan), the City Planning Official may extend the variance approval accordingly.

III. SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

<u>David Holland</u>	<u>4-19-19</u>
Applicant/Owner	Date
<hr/>	<hr/>
Applicant/Owner	Date

RECEIVED

APR 19 2019

CITY OF DENVER

ACKNOWLEDGEMENT OF FEE SCHEDULE AND COSTS

By signing my name below, I acknowledge that I received a copy of the Fee Schedule effective as of November 22, 2005 and I have read it and agree to pay the fees in said Fee Schedule and costs as stated herein.

I also acknowledge that I understand that I am responsible for all costs incurred by the City related to my land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance 04-112-2.

City costs include but are not limited to:

- 2.1 City Manager at \$47.51 per hour;
- 2.2 City Planner at \$115.00 per hour;
- 2.3 City Secretary/Cashier at \$26.27 per hour;
- 2.4 Public Works Director at \$30.06 per hour;
- 2.5 Police Chief at \$43.84 per hour;
- 2.6 Fire Chief at \$36.39 per hour;
- 2.7 City Engineer at \$100.00 per hour
- 2.8 City Attorney at \$150.00 per hour;
- 2.9 Facsimile transmittal at \$2.00 per fax and \$.50 per page;
- 2.10 Copy fee of \$.25 per page;
- 2.11 Mileage at current Internal Revenue Service rate; and
- 2.12 City surveyor fee.

Dated this 19 day of April, 2019

David Holland
Print Applicant's Name

David Holland
Applicant's Signature

JOHN DAY TITLE 5 & MEASURE 37 FEE SCHEDULE

The following fee categories and fees apply to land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance No. 04-112-2. These fees are deposits only. All persons required to file applications under Title 5 for land use and development permit applications and approvals, or file appeals under Title 5 or claims under Measure 37 under Ordinance 04-112-2 shall pay the actual cost to the City for processing said applications, appeals and claims. If the cost to the City is less than the required deposit the City will refund the difference and if the cost to the City is more than the deposit the City shall bill for the difference as authorized. Costs to the City shall include but are not limited to payment of City employee wages who are involved in processing an application or appeal at their current hourly rate, City attorney fees, City engineer fees, City surveyor fees, newspaper publication fees, postage, map creation and duplication fees, copying fees, long distance telephone call fees, facsimile fess and mileage as authorized.

FEE CATEGORY	FEE
1. Land Use District Map Change Includes but is not limited to:	
1.1 Petitions for Annexation (Type IV Review)	\$500
1.2 District Map (Zone) Changes	\$500
2. Comprehensive Plan Amendments	\$500
3. Conditional Use Permit	\$500
4 Land Use Review	\$100
5 Variance:	
5.1 Class A	\$100
5.2 Class B	\$250
5.3 Cass C	\$250
6 Code	
6.1 Interpretation	\$100
6.2 Amendment	\$500
7 Flood Plain Development or Flood Plain Permit	\$200
8 Appeals:	
8.1 To the Planning Commission	\$100
8.2 To the City Council	\$300
9. Nonconforming Use or Development Confirmation	\$250
10. Historic Building Permit, Demolition or Remodel/Alteration:	
10.1 If handled by Staff and no public hearing is held	\$250
10.2 If a Public Hearing is required	\$400
11. Property Line Adjustment and/or Lot Consolidations	\$100
12. Master Planned Development	\$1,500 plus \$25 per lot
13. Partition	\$300
14. Site Plan Review	\$300
15. Subdivision	\$1,200 plus \$25 per lot
16. Measure 37 Claim	\$ 50
17. Lot of Record Determination	\$ 50
18. Access Permit (public street)	\$ 50
19. Home Occupation exceeding the criteria in Section 5-2.2.200	\$100
20. Modification to Approval:	
20.1 Minor (Type II)	\$ 50
20.2 Major (Type III)	\$150
21. Sign Permit:	\$ 50
22. Temporary Use Permit:	
22.1 Type II	\$ 50
22.2 Type III	\$150

EXHIBIT B

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

CERTIFICATION OF PUBLIC NOTICE

IN THE MATTER OF AN APPLICATION FOR LAND USE REVIEW WITH CLASS B VARIANCE LUR-19-01, BY: DAVID HOLLAND. 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 23rd day of April 2019 to the person, parties and agencies listed below. A copy of said notice is attached hereto.

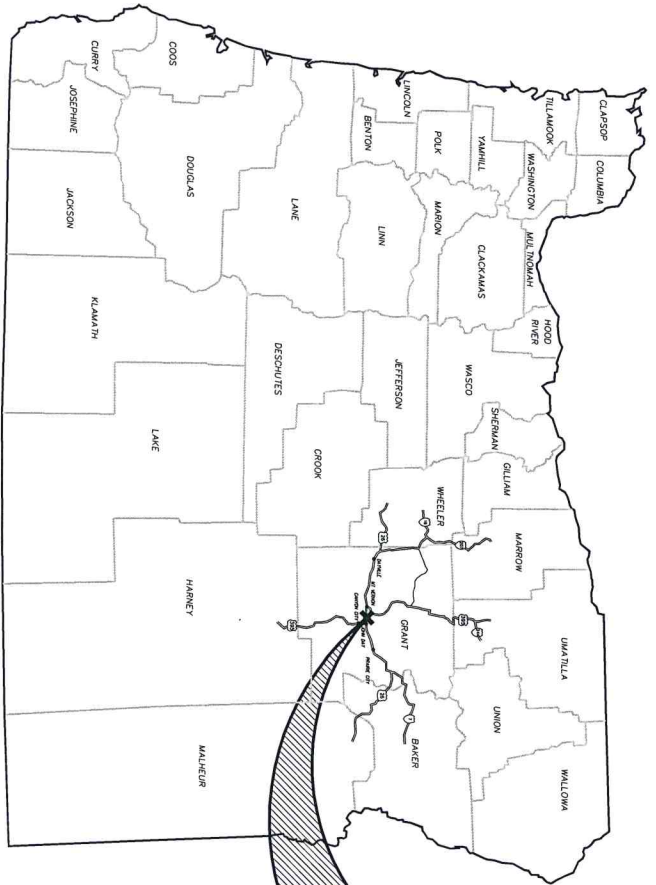
Lot	Map	Name	Address
505	13S31E23CB	Culley, Brandon E & Christal A	862 NW Bridge St., John Day, OR 97845
3800	13S31E23CA	Myers, Casey S	855 NW Bridge St., John Day, OR 97845
3600	13S31E23CA	JDCC Parks & Rec District	PO BOX 762, John Day, OR 97845
3400	13S31E23CA	Willey, Jean	849 NW Bridge St., John Day, OR 97845
503	13S31E23CB	Holland, David Steven & Lisa	
		JD Fire Chief Ron Smith	Emailed
		JD Police Chief Mike Durr	Emailed
		JD Public Works Director Monte Legg	Emailed

So certified this 23rd day of April 2019.



Nicholas A. Green, Planning Official

OREGON VICINITY MAP

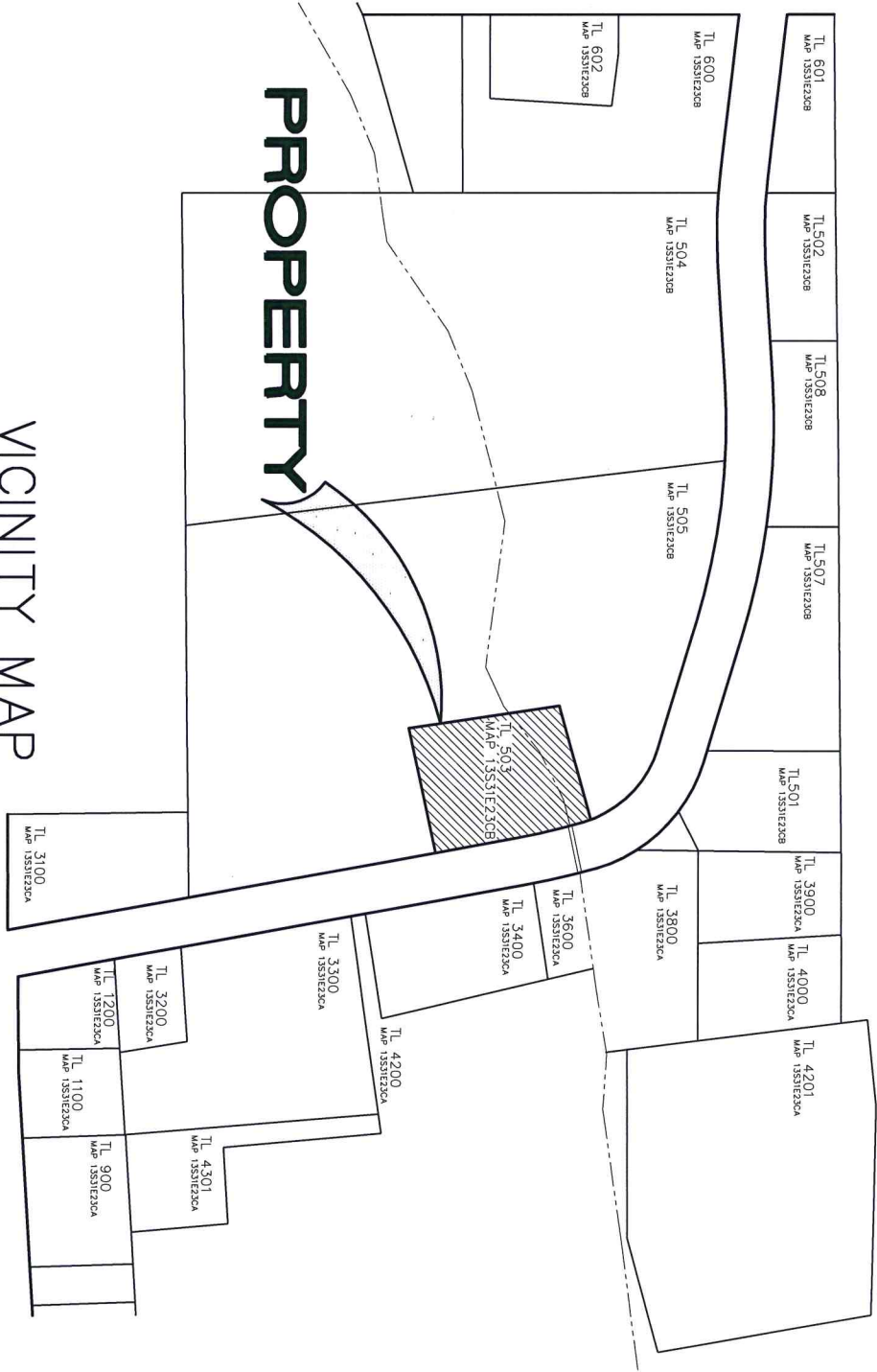


SITE

PROJECT SITE MAP



PROPERTY



VICINITY MAP

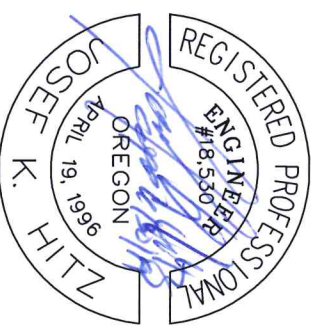
STORAGE SHED

DAVID & LISA HOLLAND

SITE PLAN

SISUL ENGINEERING

158 E. MAIN STREET
JOHN DAY, OREGON 97845
(541) 575-3777
DRAWING: xxx



DATE	AUG. 2014
SCALE	NOTED
DRAWN BY	JH
JOB	14-
SHEET	1
OF 8	SHEETS

REVISIONS	BY