

RECEIVED

NOV 13 2019

CITY OF JOHN DAY

City of John Day  
450 East Main Street  
John Day, OR 97845

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

Land Use Review

I. BACKGROUND INFORMATION

- (A) Applicant/Owner: Steve Smartt Phone: 541-404-4102
- (B) Address: 212 Valley View Dr. John Day, OR 97845
- (C) Property Address: Same
- (D) Township; Range; Section; Tax Lot: 13S31E 22A TL 1600  
Zone: \_\_\_\_\_ (F) Parcel Size: ≈ 1/4 acre
- (G) Existing Use/Structures: Home
- (H) Application Proposal: Build a 30' x 40' x 14' Pole Building on back portion of my lot. Pad cut in is approx 120' x 60'. I will utilize required setbacks. I plan on insulating and pouring a concrete pad after the structure is dried in. I also plan to run power from the house to the pole building. I will not be running a water line.
- ( Plan attached is for 36' x 48' Building )  
Poles & trusses will be set for a 30' x 40' Building  
see back for plot map

## REVIEW CRITERIA

### 5-4.2.010 Purpose

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- E. Encourage the conservation of energy resources; and
- F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

### 5-4.2.020 Applicability

Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

- A. **Land Use Review – Exemptions from Site Design Review.** Land Use Review is conducted by the City Planning Official without a public hearing (Type I or II). (See Chapter 5-4.1 for review procedure.) It is intended to ensure compliance with land use regulations when a project proposal does not require a conditional use permit, land division, or site design review approval. Land Use Review ensures compliance with the standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, special use standards, and other provisions of Article 5-2. Land Use Review is required for the types of proposals listed below. Proposals exceeding the thresholds below require Site Design Review, per Section 5-4.2.030.
  - 1. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic;
  - 2. Single-family detached dwelling (including manufactured home) on its own lot;

3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;
  4. Non-residential building addition of up to 500 square feet;
  7. Home occupation, except where Site Design Review is required under Chapter 5-4.9;
  8. Temporary uses, except where Site Design Review is required under Chapter 5-4.9;
  9. Accessory structures and accessory parking;
  10. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application, provided modifications to such plans may be subject to Chapter 5-4.6;
  11. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official.
- B. Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Official (Type II Review) or by the Planning Commission in a public meeting (Type II Review) or a public hearing (Type III Review). Site Design Review applies to all development in the City, except developments specifically listed under “A” above (Land Use Review). Site Design Review ensures compliance with the land use and development standards in Article 5-2, the design standards and public improvement requirements in Article 5-3, and other applicable regulations.

#### **5-4.2.030 Land Use Review Procedure and Approval Criteria**

When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the City Planning Official. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in Sections 5-4.1.020 and 5-4.1.030. A Type I procedure shall be used when the Planning Official finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The City Planning Official shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

- A. The proposed land use or development is permitted by the underlying land use district (Article 5-2);

B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Article 5-2); and

C. When development is proposed, the applicable sections of Article 5-3, Design Standards apply.

Note: Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations. Subsequent review by City officials may be required to determine compliance with applicable regulations.

### SIGNATURES

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

Steve W. Smart 11/13/19  
Applicant/Owner Date

Nathaly J. Smart 11/13/19  
Applicant/Owner Date

FOR OFFICE USE ONLY			
Submittal Date:	<u>11/13/19</u>	Fee:	<u>\$100</u>
		Received by:	<u>CMD</u>
Application Type:	_____	Completeness:	_____
		120 Day:	_____
Staff Report:	_____	Commission Hearing:	_____
		Council Hearing:	_____

## 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.

<b>FEE CATEGORY</b>	<b>FEE</b>
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

**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 13<sup>th</sup> day of November, 2019

Steven W. Smartt  
Print Applicant's Name  
Steven W. Smartt  
Applicant's Signature