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Site Design Review (Type III) SDR-22-03

STAFF REPORT

Date Submitted: July 14, 2022
Agenda Date Requested: July 21, 2022
To: John Day Planning Commission
From: Nicholas Green
Chief Planner
Subject: Site Design Review and Land Partition for proposed mixed-use development: 1188 Destinations (Type III Quasi-Judicial)
Location: NW 7th Street (Address Pending)
Record Map of Survey No. 2184 (portion of 13S31E22C Tax Lot 1900; Ref. 8599 and 13S31E22D Tax Lot 300; Ref. 1846)

<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Formal Action	<input type="checkbox"/>	Report Only

1. BACKGROUND

1188 Destinations proposes to build an eating and drinking establishment with entertainment, overnight accommodations, and related land uses categorized under Retail Sales and Commercial Uses within the Innovation Gateway (IG) Northeast Subdistrict Overlay. These uses are permitted within this overlay zone subject to design standards. The application is subject to Code Section 5-4.2.040 Site Design Review due to the proposed use’s estimated vehicle trip generation exceeding 100 average daily trips and to Section 5-4.3 Land Divisions And Property Line Adjustments due to the proposed land partition.

2. APPLICABLE CRITERIA

The City of John Day Development Code (the Code) governs the procedure for Site Design Reviews. 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.

Site Design Reviews are processed as Type II procedures except when they exceed the standards of section 5-4.2.040. In this case, the project involves more than one acre of total site area and due to the proposed use’s estimated vehicle trip generation exceeding 100 average daily trips, a public hearing is required to solicit public input in reviewing the design.

This application shall be reviewed and considered for approval in accordance with Code Section 5-4.2.060 Site Design Review - Approval Criteria and 5-4.3.070 Approval Criteria: Preliminary Plat.

Staff has reviewed the application pursuant to the applicable code requirements. The application was deemed technically complete (ready for review) on June 30, 2022. The City must make a final decision, including a final city council decision on any appeal, within 120 days, or by October 30, 2022.

3. PUBLIC NOTIFICATION

Staff mailed public hearing notices to the applicant and property owners within 100-feet of the subject site 20 days before the hearing date. Notice of the hearing was printed in The Blue Mountain Eagle on July 6, 2022.

4. 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.

5. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission’s review must focus on the relevant code criteria and follow the public hearing requirements for a Type III procedure under section 5-4.1.040. Minor modifications to this approval may be approved by staff as Type I or II procedures taking into consideration any recommendations the planning commission suggests in the course of this review. This approval, if granted, is effective for a period of one year unless an extension is granted. Construction in violation of the approved plan will void the approval.

6. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the request for Site Design Review SDR-22-03, subject to review and consideration of applicable public comments. It is the applicant’s responsibility to demonstrate compliance with the conditions of approval.

7. APPROVAL CRITERIA AND FINDINGS

John Day Development Code Section 5-4.2.060 Land Use Review and Site Design Review—Approval Criteria contains the applicable approval criteria for the Site Design Review. The Planning Commission’s evaluation of the project must focus on the relevant code criteria under

Section 5-4.2 and follow the public hearing procedures for Type III (quasi-judicial) review under Section 5-4.1.040.

Section 5-4.3.050 Preliminary Plat Approval Process governs the review of a preliminary plat. Review of a preliminary plat with two (2) or three (3) lots (partition), or a replat involving two (2) or three (3) lots, and not exceeding one (1) acre shall be processed using a Type II procedure, under Section 5-4.1.030. Preliminary plats involving four (4) or more lots (subdivision), replats involving four (4) or more lots, partitions and property line adjustments within the Park Reserve Zone, 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. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 5-4.5.

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:

- Application (Exhibit A)
- Affidavit of Publication (Exhibit B)
- Certification of Public Notice (Exhibit C)
- Conceptual Property Line Adjustments (Exhibit D)
- Site Analysis Map (Exhibit E)
- Local Area Street Network Plan (Exhibit F)

All of the above documents are hereby incorporated and made part of the public record.

The application and staff report findings may be modified based on factual information entered into the public hearing record before the close of the record. Members of the public who have questions about the proposal or who would like to submit oral or written testimony are encouraged to appear at the public hearing or provide written testimony before the close of the hearing. Testimony should respond directly to the following criteria.

5-4.2.050 Site Design Review—Application Submission Requirements

- A. ***General Submission Requirements.*** *An application for Site Design Review shall contain all of the information required for a Type II or Type III review, as applicable, under Sections 5-4.1.030-040, and provide:*
1. *Public Facilities and Services Impact Study.* *The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 54.1.060C). The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards;*
 2. *Traffic Impact Analysis, if required by the City or other road authority. Traffic Impact Analysis shall conform to the standards and procedures in Section 5-4.1.090; and*

3. *In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) not require the dedication as a condition of approval.*

Findings: The proposal complies with standards for public facilities and has been developed with consultation from the public works director, DKS Associates (transportation engineer), and Sisul Engineering (civil engineer).

Traffic Impact Analysis. DKS Associates completed a Traffic Impact Analysis (TIA) for the Innovation Gateway, which included traffic counts at the intersection of NW 7th Avenue and Patterson Bridge Road in anticipation of future developments associated with the John Day Innovation Gateway. The count data indicates that approximately 898 vehicles use NW Patterson Bridge Road to cross the John Day River during an average weekday. The highest number of vehicle crossings occurred during the p.m. peak hour at 4:00 p.m., with 100 crossings. The volume-to-capacity ratio of Patterson is 0.18 during peak movement (well below the design threshold).

INTERSECTION	MOBILITY STANDARD	DELAY	LOS	V/C
W. MAIN STREET / PATTERSON BRIDGE ROAD		13	A/B	0.18
W. MAIN STREET / NW 3RD AVENUE	W. Main Street: 0.85 V/C;	11	A/B	0.10
E. MAIN STREET / NE 3RD AVENUE	Minor: Approaches: 0.95 V/C	11	A/B	0.19
E. MAIN STREET / THE RIDGE ACCESS		-	-	-

v/c = Volume-to-Capacity Ratio of Worst Movement
 Delay = Average Intersection Delay (sec.) of Worst Approach
 LOS = Level of Service of Major Street/Minor Street

Public Facilities and Services Impact Study. An inventory of existing pedestrian and bicycle facilities was also conducted for the John Day Innovation Gateway Area plan adopted in November 2019, which summarized current pedestrian and bike facilities within the project area. The Gateway plan and TIA noted both pedestrian and bicycle amenities were lacking throughout the project area, and due to the rural nature of the abutting land uses and historic development patterns, many streets in the project area have not been improved to urban standards and generally lack accommodation for pedestrian and bicycle users. As a result, the City improved the John Day Riverfront Trail with paving and is in the process of installing a new parking lot at the intersection of NW Patterson Bridge Road and NW 7th Street at the OTEC Parking Lot. The parking lot project will include elevated bike/ped crosswalks at the proposed 1188 Destinations site to slow traffic approaching the parking lot and trail system connecting to the OTEC parking lot. This proposal further addresses the lack of bike/ped amenities at the intersection of NW Patterson Bridge Road and 7th Street by allowing these users to use a dedicated bike/ped bridge crossing and trail between the John Day River and Oregon Pine properties (currently under construction).

Real Property Dedication. The City is not requiring real property dedication as part of this project.

B. Site Design Review Information. *In addition to the general submission requirements for a Type III review (Section 5-4.1.040) an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the City Planning Official. The Planning Official may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:*

1. *Site analysis map. At a minimum the site analysis map shall contain the following:*
 - a. *The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;*

Findings: Site Analysis Map (Exhibit E) is compliant.

- b. *Topographic contour lines at 2-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;*

Findings: Site Analysis Map is compliant (Exhibit E)

- c. *Identification of slopes greater than fifteen (15) percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%20%, and so on.);*

Findings: The Site Analysis Map identifies no slopes greater than 15 percent.

- d. *The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;*

Findings: Local Area Street Network Plan (Exhibit F) meets this requirement.

- e. *Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, County, or State as having a potential for geologic hazards;*

Findings: Base Flood Elevation is shown on the Site Analysis Map. No other potential geologic hazards are designated by the City, County, or State. Portion of the project under development is not located in the 100-year floodplain.

- f. *Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;*

Findings: The John Day River is identified as a resource area.

- g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;*

Findings: Site Analysis Map is compliant.

- h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;*

Findings: No known historic or cultural resources exist on this site.

- i. The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;*

Findings: Estimated locations of large mature trees can be seen on the site map. Diameters are not shown. The proposal does not include a plan to remove any mature vegetation from the site.

- j. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;*

Findings: Site Analysis Map is compliant.

- k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.*

Findings: Site Analysis Map is compliant.

- 2. *Proposed Site Plan. The site plan shall contain the following information:*
 - a. The proposed development site, including boundaries, dimensions, and gross area;*

Findings: Site Plan is compliant.

- b. Features identified on the existing site analysis maps that are proposed to remain on the site;*

Findings: Site Plan is compliant.

- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;*

Findings: Site Plan is compliant.

- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;*

Findings: Local Area Street Plan is compliant.

- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;*

Findings: Site Plan is compliant.

- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;*

Findings: Site Plan is compliant.

- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);*

Findings: Site Plan is compliant. Parking and circulation are sufficient for the proposed use.

- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;*

Findings: Site Plan is compliant.

- i. Loading and service areas for waste disposal, loading and delivery;*

Findings: Loading and service areas are shown in the plan.

- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;*

Findings: Currently planned improvements are shown on the Local Area Street Plan. Future seating, recreation amenities, beautification, and other developments that are permitted outright in this zone and may be approved as type I decisions at a later date. Improvements involving a conditional use or otherwise exceeding the standards of section 5-4.2.040 will be processed as a type III decision and reviewed by the planning commission at that time.

- k. Location, type, and height of outdoor lighting;*

Findings: Site Plan is compliant. Downlighting required per the Code.

- l. Location of mail boxes, if known;*

Findings: Not Applicable

- m. Name and address of project designer, if applicable;*

Findings: Site Plan is compliant.

- n. Locations of bus stops and other public or private transportation facilities;*

Findings: There are no designated bus stops or transportation facilities proposed at this site. The People Mover may request a bus stop at this site after development is complete.

- o. Locations, sizes, and types of signs;*

Findings: Site Plan is compliant. ADA signs will meet ADA requirements. Entrance sign and miscellaneous directional signs will coordinate in size and design with the signs located at Davis Creek park and the Hill Family Park. Final design will be approved by staff as a type I decision, but will take into consideration any recommendations of the planning commission.

3. *Architectural Drawings; Architectural drawings showing one or all of the following shall be required for new commercial, commercial/residential, industrial and multifamily buildings, and major remodels of the same:*
 - a. *Building elevations (as determined by the City Planning Official) with building height and width dimensions;*

Findings: Site plan is compliant.

- b. *Building materials, colors and type;*

Findings: Site plan is compliant.

- c. *The name of the architect or designer*

Findings: As shown on site plan.

4. *Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half (1/2) acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 53.4.040.*

Findings: Grading, slopes, and storm water drainage plan will be develop in conjunction with City's public improvements to 7th Street.

5. *Where a landscape plan is required, it shall show the following:*
 - a. *The location and height of existing and proposed fences, buffering or screening materials;*

Findings: A 6' privacy fence along the western property line is proposed between the development and adjacent properties.

- b. *The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;*

Findings: Proposed structure as shown in site plan.

- c. *The location, size, and species of the existing and proposed plant materials (at time of planting);*

Findings: Existing tree species along the river include cottonwoods and elms. There is no plan to remove any currently existing vegetation. New trees will be planted in the new parking access

area.. The spacing and species of these trees will be approved by the city taking into consideration any suggestions recommended by the public and/or the planning commissioners.

d. Existing and proposed building and pavement outlines;

Findings: There is no existing pavement on the site. The proposed pavements, buildings and other improvements are shown in the site plan.

e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;

Findings: Specific soil and planting schedule is not available- landscaping plan is not final. Current soil condition for much of the site is rocky and stockpiles of material are present on the site (plan includes their removal).

6. Deed Restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

Findings: No deed restrictions exist.

7. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 5-4.2.060 Approval Criteria.

Findings: Narrative is sufficient and applicable information has been incorporated into this staff report.

8. Traffic Impact Analysis, when required, shall be prepared in accordance with the road authority's requirements. See Section 5-4.1.090, and Section 5-3.4.010 for relevant standards.

Findings: TIA has been completed and approved. See section A of this report.

9. Other Information. Determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

Findings: No additional information is required by city staff.

5-4.2.060 Site Design Review - Approval Criteria; Adjustments

A. Approval Criteria. An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria:

1. The application is complete, as determined in accordance with Chapter 5-4.1 - Types of Applications and Section 5-4.2.050, above.

Findings: Application was deemed complete on July 1, 2020.

2. *The application complies with all of the applicable provisions of the underlying Land Use District (Article 5-2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;*

Findings: Proposed building and site uses are compliant with the standards of the underlying Innovation Gateway Zone.

3. *The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*

Findings: The site is currently undeveloped and is not a nonconforming lot.

4. *The proposal complies with all of the Design Standards in Article 5-3:*
 - a. *Chapter 5-3.1 - Access and Circulation;*

Findings: Park access will be adjacent to the new 7th Street street. Sidewalks and trails will be improved by City. The multi-use path will vary from 8'-10' wide depending on terrain and accessibility and be constructed in asphalt. Vehicle access to the site will be via a 24' wide driveway/access point off NW 7th Street.

- b. *Chapter 5-3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;*

Findings: This proposal will limit the removal of significant vegetation. Proposed landscaping will be approved by the city of John Day upon consideration of any planning commission recommendations. Landscaping and tree installation will be done by the developer.

- c. *Chapter 5-3.3 - Parking and Loading, for automobiles and bicycles;*

Findings: The proposal includes 9-foot parking stalls (62 spaces) including six (6) ADA accessible parking stalls. This is based on projected demand. The minimum dimensions listed on Table 5-3.3.030F will be met and the required 8 bicycle spaces will be provided.

- d. *Chapter 5-3.4 - Public Facilities and Franchise Utilities;*

Findings: Public water and sewer will extend from existing stubs that are already in Patterson Bridge Road and extend along the new 7th Street extension. Both sewer and water will provide sufficient service to the proposed facilities. Power will also be run along 7th Street. The site will be graded so that stormwater will be directed to an infiltration area located on site.

- e. *Chapter 5-3.5 - Signs;*

Findings: A monument sign is proposed at the entrance of the project (size to be determined). Final design will be approved by the city. Proper ADA signage will be installed for the ADA parking area. Miscellaneous directional signage will be used throughout the site consistent in design with the entryway sign.

f. Chapter 5-3.6 - Other Standards.

Findings: No other standards apply to this proposal.

5. *Adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact are avoided; or where impacts cannot be avoided, they are minimized.*

Findings: No adverse impacts are currently anticipated. Adjacent property owners were invited to submit public testimony on the proposal and no comments were received as of the date of this report.

6. *Existing conditions of approval required as part of a prior land use decision, if any, are be met.*

Findings: This property is not subject to any conditions from prior land use decisions.

5-4.3.070 Approval Criteria: Preliminary Plat

1. **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](#);*
 2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 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;*
 4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and*
 5. *Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*
 6. *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*
 7. *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: The proposed plat will partition the current lot into two lots, as shown in Exhibit D: Lot 1 (56,884 sf) and Lot 2 (67,306 sf). A shared driveway and access easement will be recorded from Lot 2 to Lot 1. The proposed lot dimensions are consistent with the underlying code.

8. 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 Site Design Review SDR-20-04 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.

Respectfully submitted this 14th day of July 2022.



Nicholas Green, Chief Planner
City of John Day

Attachments:

- Application (Exhibit A)
- Affidavit of Publication (Exhibit B)
- Certification of Public Notice (Exhibit C)
- Conceptual Property Line Adjustments (Exhibit D)
- Site Analysis Map (Exhibit E)
- Local Area Street Network Plan (Exhibit F)