

**CITY OF JOHN DAY
CITY COUNCIL/PLANNING COMMISSION MINUTES
JOHN DAY, OREGON**

November 12, 2019

COUCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Council President
David Holland, Councilor
Paul Smith, Councilor
Elliot Sky, Councilor
Shannon Adair, Councilor
Gregg Haberly, Councilor

COMMISSIONERS PRESENT:

Ken Boethin, Commission Chairman
Neale Ledgerwood, Commissioner
Tom Wilson, Commissioner
Darin Toy, Commissioner

STAFF PRESENT:

Nicholas Green, City Manager
Chantal DesJardin, Secretary
Monte Legg, Public Works Director
Mike Durr, Police Chief

GUESTS PRESENT:

Sherrie Rininger, etc.
Jody Moulton
Dean Nodine
Bonnie Maplesden
Jonna Bishop, GC Fair Board
Donna Palmer, GC Fair Board
Courtney Montague, GC Fair Board
Rudy Diaz, Blue Mtn Eagle
Barb Oliver
Tim Oliver
Melissa Jones, Riverside Home Park
Tim Nodine, Grant County Snowballers
Garrett Carniglia, Grant County Snowballers
Jeremy Adair
Hannah Hinman
Kelvin Taysom, Oregon Telephone
Don Merritt, OPRD-Kam Wah Chung
Marc DesJardin, OR Dept. of Forestry
Tom Olson, John Day
Gregory Goebel, John Day

COUNCILORS ABSENT:

COMMISSIONERS ABSENT:

Tim Unterwegner, Commissioner

Daisy Goebel, Associate Planner
Aaron Lieuallen, Senior Project Manager
Casey Myers, Water System Operator
Don Gabbard, Fire Chief

Patti Rathbone, Damascus, OR
Chris Fox, Corvallis, OR
Judy Schuette, John Day
Kathleen Cathy, La Grande, OR
Jim Spell, John Day
Janice Provencher, John Day
Pam Minster, John Day
Sandie Gilson, Mt. Vernon
Luke Palmer, Pendleton, OR
Sam Palmer, Grant County Commissioner
Didgette McCracken, John Day
Kathy Smith, John Day
Stephanie LeQuieu, Mt. Vernon
Charlie Tracy, OTECC
Eva Harris
Nancy Nickel
Ryan Seal, ODFW
Mike Jensen, ODFW
Jerry Franklin
Patty Salvino

Cheryl Jarvis-Smith, ODOT
Cort Priday
Rory Priday

Angela Ostrander
Troy Clark

Agenda Item No. 1 –Open and Note Attendance

Mayor Lundbom called the meeting to order at 7:00 pm, noting everyone was present.

Agenda Item No. 2—Approval of Prior City Council Minutes

Councilor Sky highlighted some typos in the minutes, under Item No. 6, noting “Day” and “significant” were spelled incorrectly.

Councilor Schuette moved to approve the October 8th, 2019 work session minutes, as amended. The motion was seconded by Councilor Haberly and passed unanimously.

Councilor Smith noted the motion for Item No. 9 had a typo and should include another zero, clarifying it was for ten thousand dollars.

Councilor Smith moved to adopt the City Council minutes for October 8th, 2019, as amended. The motion was seconded by Councilor Schuette and passed unanimously.

Councilor Holland commented that under item No. 6 the summary of costs was only for the development of three sites, the city would not be developing the OTECC site.

Councilor Adair moved to approve the October 22nd council minutes, as amended. The motion was seconded by Councilor Holland and passed unanimously.

Agenda Item No. 3—Appearance of Interested Citizens

Mayor Lundbom welcomed the audience and asked if anyone had anything to add to the agenda. Jim Spell wanted to thank the City specifically Public Works for putting railing up on the north end of the Bridge Street bridge, which was a real big safety hazard.

Agenda Item No. 4—Consent Agenda

Mayor Lundbom noted a representative of the Fair Board had asked to speak regarding the consent agenda item pertaining to the fairgrounds. Donna Palmer, Fair Board member, requested that Mindy Winegar, Manager, be included in all meetings and that the city or the consultants address the fair board at one of their meetings to have an open dialogue. They feel there has not been an open dialogue and spent most of the morning on the phone with County Court giving their concerns. She thanked the city for contributing the money to move forward but would like to make sure they are part of the plan every step of the way, to make sure everyone is in agreement. She noted there is a lot that needs to be done at the Fairgrounds and would like to see money going to tangible uses. The paper doesn't make the Keerins Hall look better, so they just want to make sure moving forward they can realize some of these plans. Mayor Lundbom noted they have been very happy with the deliverables produced by the consultants and will make sure they are involved, including the progress reports. He added they made sure to get some assurances from the court that there will be some actions to follow up the study.

Councilor Adair moved to approve the consent agenda. The motion was seconded by Councilor Schuette and passed unanimously.

Agenda Item No. 5—Innovation Gateway Phase 1 Presentation & Next Steps

City Manager Green noted the presentation of the Innovation Gateway is a culmination of three-years' worth of in-depth planning taken on by the city to heal the community and bring us together to forge a path to a brighter future. Green spoke on the history of booms and busts in the community and stated the mission is to fight back and take control of the economy and social outcomes to create the kind of place they will be proud to have their children and grandchildren live. He noted that Kim Randleas has used the term "Small but Mighty" when talking about the community; he feels this is a good description of Grant County because we often have to be stronger than our numbers would indicate. He spoke further on some of the presentations he has been involved with for the city in order to better advocate how our unique community can be sustainable and resilient in the 21st century. Green went on to cover the information included in the Phase 1 PowerPoint presentation, which included points regarding the effects of geography on the community, history and significance of gold rush, natural resource mining and the importance of thinking about the future trajectory when considering how to develop the community. He highlighted it is important to honor the past and not lose our identity while implementing some forward-thinking approaches and made notes about how the massive decline in the mainstay industry has affected the community, shown in some of the slides. Green pressed that the City decided instead of having a pity party or building a grudge against the government, they are going to "fight back" against the population projections and statistical predictions about the community. He reviewed the sustainability challenges, noting it often leads to bureaucratic paralysis, but explained how the city chose to react in the past and currently with the Innovation Gateway, which included an update on the new treatment plant work currently in progress and reuse efforts.

Didgette McCracken, Grant County Open Campus Coordinator for the OSU Extension, and Don Merritt, Museum Curator for Kam Wah Chung, presented the slideshow included in the agenda regarding findings from surveys completed by museum visitors. Some of the information presented was other tourism related data that brought context for survey answers. Merritt noted some interesting comments received during the survey and how the State is looking into marketing approaches to reach other demographics like millennials. McCracken noted she will continue to survey the visitors along with possibly adding a hotel survey because her office is looking at potentially expanding for hospitality education. Don Merritt also provided an update on the program the Discovery channel in the US and China are working on following filming, and their efforts toward a worldwide release within the next year. Mayor Lundbom asked if the other 44% of comments were negative, McCracken noted not so much negative as constructive criticism or suggestions. Green noted they have been in negotiations for many months working towards achieving a heritage site and they are very close to reaching an agreement that will allow them to significantly expand the visitor center; it will take a real test of the communities ability to work together to build a new pool—which they plan to have the financials and a path forward by February to present on the ballot in May or November.

Green emphasized that in conjunction with all these amenities, there will need to be investment in hospitality; he noted three months ago, the City started working with the Priday family out of central Oregon, who will be presenting their plans to invest six million dollars in a new hotel in John Day. Court Priday presented the Inn at Whiskey Flat slideshow included in the agenda. He introduced several of the present team members, highlighting their backgrounds and roles in the company. He noted the various locations in central and eastern Oregon and highlighted they always try to be uniquely local in

accommodating and make it feel like it's part of the area with an agricultural motif based on the local history; they go in to small communities and are involved in the communities, to be known beyond a product the town would be proud of, through philanthropic involvement.

There were questions and discussion about proposed site plans including the potential shared investment convention center. Answers from city staff and Priday noted a site is proposed on the west side of Oregon Pine, which is out of the flood area; they hope to transform the neighboring 6,000 square foot saw mill building into a convention center, and they are anticipating it will take a year to complete. There was also discussion about the name "Inn at Whiskey Flat"; Priday noted the name is not set in stone, they used the location from the Chamber's website because they aim for catchy names that are historic to the area and unique. City Manager Green summarized that the city's intent was to lead with public sector investment and attract the private sector investment, the Priday's vision is absolutely in line with those efforts. The city will bring the integrated planning team, landscape architects, civil engineers, surveyors, and local contractors to help their team get off the ground to a positive start. He displayed the Innovation Gateway Area Concept, noting that connecting streets is vital; the city was not selected for the 15-million-dollar BUILD Grant but they will continue working towards achieving the street network developed through the planning process.

Mayor Lundbom recessed the meeting for a short break at 8:06PM.

Agenda Item No.6 — Ordinance No. 19-770-01, An Ordinance Amending the John Day Comprehensive Plan and Development Code to Adopt Policies and Code for the Innovation Gateway Plan (Type IV Procedure) - AMD-19-01

Mayor Lundbom called the meeting back into order at 8:16PM and City Manager Green noted the Commission will first hold a public hearing on the staff report, then council ratification would follow for the ordinance based on the commission's recommendation.

Chairman Boethin explained the process the commission follows for reviewing items for a public hearing. He emphasized that failure to raise an issue in person or by letter to the planning commission or city council precludes raising that issue at such a time of appeal. He asked that anyone with an issue make sure to raise their concerns in a sufficient manner for the commission to consider. He noted there were sufficient members of the commission to constitute a quorum and opened the public hearing at 8:19PM.

City Manager Green reviewed the staff report and supporting documentation included in the agenda. Chairman Boethin asked if any member of the planning commission wished to declare a conflict of interest. *None appearing.*

There were no comments in favor or in opposition to the proposal, so Chairman Boethin closed the public hearing at 8:24PM and opened for discussion among the commission.

Commissioner Boethin noted the only portion that causes him concern is the possibility of changing the river channel. Commissioner Ledgerwood noted he understood and has heard that voiced by others, mainly those along Luce Long Ditch. City Manager Green stated that he has worked closely with them; specifically, John Morris was appointed to represent them and has participated actively in the planning process. He also noted there are conditions the city is under in regards to riverfront restoration. Firstly, any changes must be permitted through multiple state and federal agencies. Secondly, there must be a

source of funding to engage in any type of riverfront restoration, which they currently do not have, no proposal has been presented to the council for any funding proposals and is conceptual at this point. Third and most important, there cannot be any harm done to the existing interests in the waterway, which includes both upstream and downstream users. Keeping in mind that it was dramatically altered in the past, if they were to restructure a portion of the riverfront, they would have to ensure there are not negative outcomes with regards to water rights or access and they achieve the positive benefits and is not an attractive nuisance. It is not a near term part of the plan but they wanted to include it in the twenty to thirty year plans.

Commissioner Wilson moved to recommend to the council and the planning commission approve AMD-19-01 based on the findings contained in the staff report. The motion was seconded by Commissioner Ledgerwood and passed unanimously.

Chairman Boethin turned the meeting back to the council. Councilor Smith commented that in their conceptual planning for the river restoration they wanted to make sure it would not affect infrastructure work that the city plans to do, while not definite it was important to make considerations for future restoration to eliminate investment waste if it was ever achieved. Mayor Lundbom added that experts in riverfront restoration suggested it but the council recognizes it is not likely to be achieved anytime soon due to the financing constraints.

Councilor Schuette moved to have the Mayor Lundbom read Ordinance No. 19-177-01 by name only. The motion was seconded by Councilor Haberly and passed unanimously.

Mayor Lundbom read the Ordinance by title only.

Councilor Adair moved to adopt Ordinance No. 19-177-01, An Ordinance Amending the John Day Comprehensive Plan and Development Code to Adopt Policies and Code for the Innovation Gateway Plan. The motion was seconded by Councilor Holland and passed unanimously.

Agenda Item No. 7—Ordinance No. 19-178-02, An Ordinance Amending the John Day Development Code to Comply with Federal Flood Plain Management Regulations Relating to City Participation in the National Flood Insurance Program (Type IV Procedure) – AMD-19-02

City Manager Green explained this is a response to changes in Federal Regulations that affect development constraints of the city.

Chairman Boethin opened the public hearing at 8:32PM. City Manager Green noted this process begin with a study that was completed in 2012, it has taken many years to realize into actual changes to the flood maps.

Chairman Boethin asked if any member of the commission wanted to declare a conflict of interest. None appearing. There were no comments in favor or in opposition to the proposal; Chairman Boethin closed the public hearing at 8:33PM and opened for discussion among the commission. *No further comments.*

Commissioner Ledgerwood moved to recommend city council approve AMD-19-02 based on findings in the staff report. The motion was seconded by Commissioner Toy and passed unanimously.

Councilor Adair moved to have the Mayor read Ordinance No. 19-178-02 by name only. The motion was seconded by Councilor Sky and passed unanimously.

Mayor Lundbom read the Ordinance by title only.

Councilor Smith moved to adopt Ordinance No. 19-178-02, An Ordinance Amending the John Day Development Code to Comply with Federal Flood Plain Management Regulations Relating to City Participation in the National Flood Insurance Program. The motion was seconded by Councilor Haberly and passed unanimously.

Agenda Item No. 8—Ordinance No. 19-179-03, An Ordinance to Adopt Minor Development Code Amendments Related to 1) Broadening the Conditions for Temporary Recreation Vehicle Use as Dwellings in All Zones, and 2) Deleting the Restrictions on Residential Dwellings in the D and GC Zones to Allow Housing Units that Existed Prior to November 24, 2005 but were Occupied as Businesses to Convert Back to Residential Use (Type IV Procedure) – AMD-19-03

City Manager Green noted these amendments were requested by residents; council took it up in several sessions to try to create greater flexibility to accommodate housing choices within the city, recognizing until more buildable land can be opened, they are constrained.

Chairman Boethin opened the public hearing at 8:36PM. He reminded the audience that an issue in favor or opposition must be clarified and sufficient to be raised in an appeal. He asked if member of the commission wished to declare a conflict of interest. *None appearing.* City Manager Green highlighted some of the portions of the staff report explaining how it relieves the restriction on homes in downtown and commercial zones going back to residential use, even if it was a commercial use in 2005. He also explained how it allows temporary RV dwelling in lots under construction and greater flexibility for unique circumstances to allow one RV as a temporary dwelling unit through a conditional use permit.

There were no comments in favor or in opposition to the proposal; Chairman Boethin closed the public hearing at 8:39PM and opened for discussion among the commission. City Manager Green noted that there was a text change due to a typo carryover, striking out language referencing the JDIG from the previous reports in finding number three.

Commissioner Wilson moved to recommend the city council approve AMD-19-03 based on the findings contained in the staff report as amended. The motion was seconded by Commissioner Toy and passed unanimously.

Councilor Schuette moved to have the mayor read Ordinance No. 19-179-03 by name only. The motion was seconded by Councilor Haberly and passed unanimously.

Mayor Lundbom read the Ordinance by title only.

Councilor Adair moved to adopt Ordinance No. 19-179-03, An Ordinance to Adopt Minor Development Code Amendments Related to 1) Broadening the Conditions to Temporary Recreational Vehicle Use as Dwellings in All Zones, and 2) Deleting the Restrictions on Residential Dwellings in the D and GC Zones to Allow Housing Units that Existed Prior to November 24, 2005 but were Occupied as Businesses to Convert Back to Residential Uses. The motion was seconded by Councilor Schuette and passed unanimously.

It was noted the amendment to the staff report would already be in effect and does not need to be a part of the council ordinance motion.

Agenda Item No. 9—Conditional Use Permit (Type III Procedure) CUP-19-01

City Manager Green noted this is the first application under the proposed amendments just passed; once the thirty-day window has lapsed and it becomes effective the conditional use permit could be issues. Chairman Boethin opened the commission hearing for CUP-19-01 at 8:43PM and asked if any members wished to declare a conflict of interest. *None appearing.* Chairman Boethin reminded that in raising an issue there must be sufficient clarify for an appeal to the city council. He then asked the applicant if they had any further comments. Patty Salvino stated she spoke to the neighbors about their negative comments, informing them it was not in her plans, and they concluded she could place her motorhome anywhere on her property. There were no comments in favor or in opposition to the proposal; Chairman Boethin closed the public hearing at 8:44PM and opened for discussion among the planning commission. Commissioner Ledgerwood clarified the permit was for a one-year period. Chairman Boethin asked about the Oregon Fair Housing Council comments included in the staff report for AMD-19-03. City Manager Green reviewed their concerns and noted they are largely regarding a housing needs analysis, which the city does not have since their Comprehensive Plan was completed in 2003; they did have a housing market assessment completed by ECONorthwest this year, so they referenced the available land supply as documented in that report and identified the number of houses that would be affected or is anticipated to be affected.

Commissioner Ledgerwood moved to approve the CUP application CUP-19-01 based on the findings and subject to the conditions of approval contained in the staff report. The motion was seconded by Commissioner Wilson and passed unanimously.

Agenda Item No. 10—Conditional Use Permit (Type III Procedure) CUP-19-02

Chairman Boethin opened the hearing for CUP-19-02 at 8:48 and asked for City Manager Green to briefly review the staff report. He explained the application is in response to an employee who was unable to acquire housing within the community and thought it made more sense to make a permanent connection to water and sewer at this location. Green also noted the proposed site is similar to what was done by the Department of Forestry in fully developing two RV sites. Chairman Boethin noted there were no written comments regarding the proposal and the applicant stated they did not wish to add any further comments. There were no verbal comments in favor or in opposition to the proposal in the meeting; Chairman Boethin closed the public hearing at 8:49PM and opened for discussion among the commission. Commissioner Ledgerwood clarified it would be for employees only.

Commissioner Wilson moved to approve the conditional use application CUP-19-02 based on the findings and subject to the conditions of approval contained in the staff report. The motion was seconded by Commissioner Toy and passed unanimously.

Agenda Item No. 11—Site Design Review (Type III Procedure) SDR-19-01 & Property Line Adjustment (Type II Procedure) PLA-19-08 with Transfer/Sale of Public Property

Chairman Boethin opened the public hearing for SDR-19-01 at 8:50PM and asked City Manager Green to briefly review the staff report. Green highlighted some of the conditions due to complicating situations

from previous site use. Charlie Tracy spoke briefly on the design concept included in the application, noting OTECC has been working on an initiative to facilitate EV ownership and access to communities, like John Day, getting them on the map for tourism that depends on electric vehicles. There were no verbal comments in favor or in opposition to the proposal in the meeting; Chairman Boethin closed the public hearing at 8:54PM and opened for discussion among the commission. *No further comments.*

Commissioner Wilson moved to approve PLA-19-08 based on the findings contained in the staff report. The motion was seconded by Commissioner Toy and passed unanimously.

Green noted the city council needs to have a public comment period for the sale of property to OTECC.

Councilor Haberly moved to the open public hearing at 8:55PM regarding the property sale. The motion was seconded by Councilor Adair and passed unanimously.

Mayor Lundbom noted they are excited to find a use for the property, removing an eyesore, and asked for details regarding the cost to charge an EV. Mr. Tracy noted it is high speed, they charge for cost recovery of the power utilizing an app that charges monthly similar to a cardlock system. He noted it can add up to 250 miles of range within an hour, giving time to for users to visit downtown while they wait. Tracy also spoke on the stations OTECC currently has and plan to implement in Eastern Oregon, noting he is driving OTECC's first EV tonight. Councilor Sky asked about timeline; he replied that they plan to begin development in the spring. Councilor Smith asked about the number of stations; he replied they will begin with one but anticipate having two or three in the future. Smith also asked about the signage and decorative wall; Tracy explained how the enclosure would look, providing the area needed for large equipment working in the substation requires. Councilor Holland asked for clarification about the city's utility easements. Green noted there will be utility easements and access easements to service the utilities in place before the property line adjustment is finalized. He noted it will also be conditional of not the permit issuance but the approval of the water right transfer. Councilor Holland commented it was a small water right; Green agreed and noted that it is old but he didn't think it was wise to relinquish it if not necessary.

Councilor Adair moved to close the public hearing at 9:01PM. The motion was seconded by Councilor Holland and passed unanimously.

City Manager Green noted he would bring a transaction document back for the city council approval.

[Note: prior to the conclusion of the Planning Commission hearing, staff noted the SDR was not approved by motion. The Commission re-opened this agenda item and moved to approve SDR-19-01, as submitted. Motion passed unanimously]

Agenda Item No. 12—Land Partition (Type III Procedure) LP-19-02

Commissioner Boethin opened the hearing for LP-19-02 at 9:01PM, reviewing the proposed application and asked City Manager Green to review the staff report. Green noted Land Partitions typically don't go in front of Commission unless the size warrants. He reviewed some of the conditions that must be met with regard to the final plat. Chairman Boethin asked if Sandy Gilson would like to add any comments.

Gilson noted the Elk's lodge has a 50-year agreement with the Senior's Center to lease space at their site. They are concerned about decline of lodge membership, and want to be guaranteed if the paternal organization went away the Senior's Center would not lose their building because they don't own the

land. If dissolved, the Chicago grand lodge would take over. They would like to provide security for the Senior's Center, as they provide an essential service to the community. They plan to do an access easement and usage agreement under this with the Senior's Center for parking. They would also like to note the third lot is being created as a space for sale and future development.

Chair Boethin opened the public hearing and asked if anyone in the audience wished to speak in favor. *None appearing.* Boethin asked if any opposed. *None appearing.* The commission moved to close the public portion at 9:05PM and open to members of commission for discussion.

Following discussion, Commissioner Wilson moved to approve LP-19-02 as submitted. Second by Toy. Unanimous.

No further matter brought before planning commission.

Agenda Item No. 13—Other Business & Upcoming Meetings

Mayor Lundbom noted the –Sherrie Rininger on behalf of merchants asked if member of the council would like to judge the decorating competition on November 29th at 6PM. Councilor Sky and Mayor Lundbom noted they would attend.

Mayor Lundbom reviewed the upcoming meetings and checked in with staff and council. *There were no further comments.*

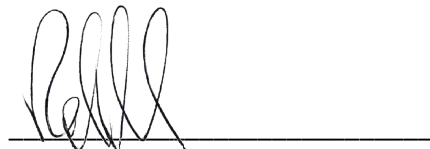
Adjourn

Councilor Schuette moved to adjourn the meeting at 9:08PM. The motion was seconded by Councilor Haberly and passed unanimously.

Respectfully Submitted:

Nicholas Green
City Manager

ACCEPTED BY THE CITY COUNCIL/PLANNING COMMISSION ON DECEMBER 10, 2019



Ron Lundbom, Mayor