

RECEIVED

JAN 25 2022

CITY OF JOHN DAY

2:27 P.M.

SL

John Morris Rebuttal Statement

John Day, OR City Council Meeting January 25, 2022

RE: CU Permit 21-05

FINDINGS OF FACT:

The City attorney directed the City Council to address some of Appellant's arguments not addressed in the staff report.

In my review of the draft order submitted today (January 25, 2022) by Mr. Green, City Council Findings: I found 3 issues Mr. Green failed to address.

1. From Mr. Green's December 28, 2021, Appeal Staff Report (D) `Traffic Study Requirements: Finding The sensitivity scenario with the transportation network improvements includes five street improvement projects. #5. 7th Street Extension and Holstrom Road and bridge access to John Day River to NE 3rd Street. See Exhibit 1. January 5, 2022 John Morris Appeal Statement Page 11
2. From Mr. Green's December 28, 2021, Appeal Staff Report 1. Use Criteria #2 The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval. Finding: Adjacent property owners were notified of the application and no public comments were received concerning potential negative impacts of the proposal following the neighborhood meeting. Staff believes the applicant has met or exceeded the criteria of the code for mitigating negative impacts. See Exhibit 2. January 5, 2022 John Morris Appeal Statement Page 10
3. From Mr. Green's December 28, 2021, Appeal Staff Report Design Review Application Narrative:
 - (h) Locally or federally designated historical and cultural resources on the site and adjacent parcels or lots. There are no known designated historic and cultural resources on the site and adjacent resource areas identified on the site. See Exhibit 3. January 5, 2022 John Morris Appeal Statement Page 13-14,

I filed a notice of appeal of Conditional Use Permit 21-05 on December 8, 2021. There were no objections to the notice of appeal. A hearing was set for January 5, 2022. Mr. Green recited his appeal staff report. I recited my Appeal Statement. No objections were stated.

#4 Mr. Green's City Council Findings dated January 25, 2022 has a statement about the Public Notification. He states Appellant did not establish any basis as to why he was entitled to notice of the pre-application neighborhood meeting or, if he was entitled to notice, why his lack of notice prejudiced him in these proceedings given that he nonetheless participated in the pre-application neighborhood meeting and further participated in public hearings after the application was actually filed.

Appellant admits although, he provided his address each time he participated in a public hearing, he erred in not establishing residency within the JDCCP&R District boundaries. Residency was recognized based upon his physical address that he resides within the JDCCP&R District boundaries.

The August 11, 2021 neighborhood meeting is where this land use question started.

The violation of the public meetings law by the John Day Canyon City Parks and Recreation District Board of Directors is a serious breach of public confidence. Not one JDCCP&R District director did any due diligence or investigation to determine if the meeting on August 11, 2021 met the requirements of the public meetings law. This issue alone should be enough to cause the John Day City councilors to consider a remand, it is a reversible error. Abiding by and adhering to the public meetings laws is central to open communication and transparency. On January 11, 2022, after the study session, Ms. Weigum stated the JDCCP&R District board requested the council re-open the record to allow additional written testimony. There is no documentation that the JDCCP&R District Board of Directors met the public meeting requirements to make this request of the John Day City Councilors. The JDCC P&R District directors again violated the public meetings law sometime between January 5, 2022 and January 11, 2022.

These violations are serious egregious errors. One violation may be more easily overlooked or unheeded, but 2 violations within the time frame of the conditional use permit are inexcusable. Those errors create the necessary criteria to deny the conditional use permit. See Exhibit 4A January 5, 2022 John Morris Appeal Statement Pages 1-2. December 28, 2021 Appeal Staff Report #4 Burden of Proof. Exhibit 4B

ORS 197.763 Comprehensive Land Use Planning; Conduct of Local Quasi-Judicial Land Use Hearings.

(2)(a) Notice of the hearings governed by this section shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located:

(A) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;

(b) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

No one has done any verification, simply accepted what was written for them or stated for them. I maintain that this statute (197.763) was violated by not giving the proper written notice to those residents within 100 ft. of the subject property for the November 9, 2021 John Day Planning Commission hearing or the January 5, 2022 Appeal hearing. See Exhibit 5

On January 11, 2022, after the study session with the JDCCP&R District directors, Ms. Weigum stated the JDCCP&R District board requested the council re-open the record to allow additional written testimony. Discussion ensued, in the end the record was re-opened for 7 days for additional written testimony and 7 days for rebuttal written testimony from the appellant. Motion passed. I was not given 7 days, I was given 6 days. I contacted Mr. Green via email to request the full 7 days, he responded with an email attached. See Exhibit 6. This is the 2nd time Mr. Green has been rude and disrespectful during this process.

The fact that I wasn't allowed a full 7 days is a violation of ORS 197.763 (b-e). Exhibit 1.

Lastly, regarding the grant funding of the aquatics center, particularly of HB 5006, SB 5534, lottery funds and American Rescue grant funds, the record from July 13, 2021, states: Recent grant awards. House Bill 5006 awarded \$4.5 million dollars to the City for construction of three capital improvement projects: \$2 million for the new aquatics center, \$1 million for the new Kam Wah Chung interpretive center, and \$1.5 million for site improvements to the new wastewater treatment plant. These funds are effective July 1st and will be available for expenditure as soon as the grant agreements are signed and we have made the appropriate adjustments to our FY22 budget. We should take a moment to recognize the efforts of Senator Findley and Representative Owens for their strong advocacy for our community during this very difficult legislative session. We may also want to consider how best to communicate these awards with our residents.

Mr. Green failure to disclose to the John Day City Council his false statement to Senator Findley and Representative Mark Owens. They were told the aquatics center project was fully funded except for the \$2 million that he requested in grant funding. Email from Representative Owens attached. Exhibit 4. The application for American Rescue Plan grant funds states: They have already secured \$3,614,906 in matching funds, so are asking for the remaining \$2,000,000. Copy attached. Exhibit 7A & 7B.

His actions have the potential to put the City of John Day & the JDCCP&R District at financial risk. Also at financial risk are the citizens of the city and the district. His dishonesty has sullied the name and reputation of Senator Findley and Representative Owens.

Conclusion:

I would like to remind the John Day City Council, they are making a decision that has a financial impact on the taxpayers of the JDCCP&R District not just the City of John Day.

As the Appellant, I understand I have the burden of proof to demonstrate errors in the application and/or the land use procedure for CU Permit 21-05. I have done my due diligence and I have verified my statements with written documentation.

I hope the John Day City Council and Mr. Green walks away with the knowledge that the citizens have learned to be engaged, they will be watching. The city's development code and planning activities are designed to be an encumbrance to the public involvement. I hope the John Day City Planning Commissioners and the John Day City Council and staff will look at themselves and address the bias, prejudice and ethical issue I have raised.

I suggest the following motion:

"I move to continue the deliberations on the proposed draft order and Mr. Morris' rebuttal statement dated today in order to have an opportunity to read and verify the statements presented"

Alternatively

"I move to deny Conditional Use Permit 21-05 based upon the Findings of Fact in Appellant's January 5, 2022 Appeal Statement and Appellant's Rebuttal Statement of January 25, 2022.

Thank you

Respectfully Submitted



John L. Morris

John Morris

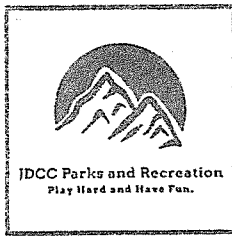
From: Scott Myers <myerssw@grantcounty-or.gov>
Sent: Wednesday, January 5, 2022 5:10 PM
To: jmorris@ortelco.net
Cc: Grant County Court Admin; Jim Hamsher; Sam Palmer
Subject: Notice or Permissions from the City of John Day

John,

A few weeks ago you asked me if we had ever been formally requested to grant an easement onto Fairgrounds Property from the City of John Day related to a bridge from 7th st. to 3rd st. over the John Day River. To the best of my recollection, through research of my records, emails and notes, the County has not received any requests for an Easement or Permissions from the City of John Day related to this project. I believe the surveying and staking has taken place. When they began proposing a Dispensary at the Skeins Building, across from the Grant County Library, we were not notified of that plan either, I believe we were close enough to require Public Notice, because we are right across the street. There was not an opportunity to chime in, in favor or opposition to placing a Dispensary along a planned "Safe Routes To Schools". I'm quite sure they will represent that they had forgotten to include us as a neighbor to that location.

Have a Happy and safe New Year,

Scott W. Myers
Grant County Judge



PO Box 762
841 ½ NW Bridge Street
John Day, OR 97845
<https://jdccparksandrec.org/>
Tel: (541) 575-0110

Neighborhood Meeting Proposed Aquatics Center

Wednesday, August 11, 2021
6:00 PM

Board Members Present:

Zach William
Russ Young
Rich Lallatin
Lisa Weigum

Zach Williams called the meeting to order @ 6:00 pm. Lisa Weigum explained the purpose of the meeting and set ground rules for the meeting.

Comments:

- Noted: John Morris identified the Neighborhood Meeting as an illegal meeting because the public was not properly notified.
- David Holland: Shared that the process is required by the City of John Day for development and that John Day Canyon City Parks and Recreation (JDCCPR) made the proper notifications.
- Noted: Athena Moline identified notice time for the meeting was unacceptable (9 days) because it was not enough time to prepare.
- Several people noted that the design of the proposed pool was beautiful.
- Unknown: Very excited about the location, 7th Street is the best location for the proposed pool.
- Athena Moline: Concerns about nearby and adjacent property value being negatively impacted. Shared her professional opinion as a real estate appraiser that the pool would decrease the value of property on 7th Street, Bridge Street and Charolais Heights.
- Athena Moline: Currently parking is a significant safety issue at all of 7th Street Complex but especially bad towards the west end of the complex. Increased use will increase the safety risks for users and neighbors.
- Marsha Christensen: The community rejected with proposal, JDCCPR should be respectful of the decision the community already made.
- Athena Moline: Pools can never make money; they can't even break even. This is not a good investment. Feels like this project is moving too quickly and not enough thought or community feedback and input has been solicited.

- John Stearns: Concerns about location including loss of green space, increased traffic, and limited parking. Concerns with overcrowding the complex, running the risk of 7th Street no longer being as user friendly as it is now.
- John Stearns: Is in support of the new pool but would like to see other locations being proposed. Recommending looking out by the community garden as it has enough space to build a pool and handle the traffic.
- David Myer: Encouraged the board to work with the city to ensure a travel management plan/use study is completed.
- Elliot Sky: Loves location. When purchasing his home, he and his wife intentional purchased near 7th Street to be close to the recreational opportunities it provides and is excited about the prospect of a pool there.
- Lisa & David Holland: Support the proposed pool location and design.
- Unknown: Traffic at the current pool location isn't as bad as everyone thinks. There will be increased use of the road but it's coming anyways because of the housing developments.

Questions:

- Why is the pool not being build in another location?
 - Answered: This project was started several years ago where several locations were looked at. This location was one of two that was a viable option outside of the floodplain.
- Is there documentation showing that you can't build a pool in a floodplain?
 - Answered: Other attempts to build a new pool have been made over the years. In one attempt about 15 years ago the new proposed location was within the floodplain and the project was not viable beyond that point because of the proposed location.
- Can JDCCPR expand into another city and put a pool there?
 - Answered: The Board has explored what "expanding" would mean and at this time expansion is not an option.
- Can the 2M for the new pool be used to repair the old pool? When was the old pool property sold?
 - Answered: We are not answering question about the old pool. JDCCPR is not the owner of the pool or the property.
- How much is the current project?
 - Answered: 6M
- Will there be any sidewalks or other safety features for pedestrians?
 - Answered: Unknown. JDCCPR will work in collaboration with the City of John Day to address question
- Can you build a commercial building and have a business in a residential area?
 - Answered: According to zoning and development codes JDCCPR is able to build a pool on this property.
- Is there a long-term travel management/traffic plan?
 - Answered: This project is one piece of a bigger community project. We will be working closely with the City of John Day to mitigate traffic and safety concerns.
- Will you tax us for a pool?
 - Answered: JDCCPR is a special taxing district. JDCCPR has no plans at this time to create additional taxes for the OM of this pool.
- Where will the other 4M come from to build the pool?
 - Answered: There will be a bond measure on the ballet in May for the remainder of the construction costs. At this time, it is 4M but as we move forward, we will be exploring other forms of funding to reduce that cost and burden on the taxpayer.
- Will the money from the sell of the John Day City Park go towards the new pool?
 - Answered: Yes, we believe so.

2 | Funding

- Do you know what we'll be paying for the bond?
 - Answered: We estimate the annual tax rate per \$1000,00 in assessed property value will be \$0.72
- How will JDCCPR pay for all of the staff needed to run the pool?
 - Answered: We successfully managed Gleason Pool with fewer staff then we have now. We are not concerned about our current staffing levels and pool management.
- Is it possible for other business opportunities to be at the pool during the winter to increase revenue?
 - Answered: JDCCPR has no intention of competing with private businesses in the area.
- Will you make it aesthetically pleasing for neighbors who have property that borders yours?
 - Answered: We are hopeful we can continue to make all of 7th Street pleasing to our neighbors.
- If you are planning to expand parking into where your currently storing all of your outdoor equipment, where will you put that?
 - Answered: We are working in partnership with the City to be able to use some of their property nearby to house our equipment.
- What are you going to do with the leaking ditch?
 - Answered: Most of the ditch will be enclosed, which will happen regardless of a pool.
- Where's the rest of the plan? Isn't there more then just this pool that you're building?
 - Answered: This is the plan.

Meeting ended @ 7:00 pm

-Exhibit 3

John Morris

From: POULEY John * OPRD <John.POULEY@opr.oregon.gov>
Sent: Monday, January 24, 2022 4:01 PM
To: jmorris@ortelco.net
Subject: RE: Native American Cultural Resource

Hi John,

Your email below was recently forwarded to me. I believe you also left me a voice message. Apologies for not getting to you sooner, but we receive lots of emails and phone calls each day. With our staff size, we are not able to respond as quick as we would like. In any event, before I address your questions, please know that in Oregon archaeological sites are protected on public and private lands (ORS 358.905-961, ORS 97.740-760, ORS 390.235). Also, the location of archaeological sites is protected from public disclosure (ORS 192.345 [12]).

With that said, Native Americans have been in Oregon for thousands of years, and they would have camped near areas with seasonably available resources. They also developed storage techniques to preserve certain foods beyond their season of availability. In answer to your first question, yes, they would have camped near anadromous fish bearing streams, especially after developing storage techniques. The probability regarding Don's model considers such resources, and the fact that people need water to drink, cook, and wash with. Regarding your question on late 1800s improvements, in one of the statutes I cite above (358.905), the definition of an archaeological site in Oregon states that it is comprised of archaeological objects, which must be at least 75 years in age. Each of the things you reference would meet the age requirement of an archaeological site. In other words, archaeological sites are comprised of objects from any culture that are at least 75 years old.

Hopefully the above addresses your questions. For more information or links to the statutes I cite above, please go to the SHPO Archaeological Services website using the link in my signature line below.

Thanks,
-John



John O. Pouley | State Archaeologist

Oregon Parks and Recreation Department, Heritage Division
State Historic Preservation Office
725 Summer Street NE, Suite C, Salem, OR 97301
Office: 503.480.9164 | [Visit the SHPO Archaeological Services Website](#)

From: John Morris <jmorris@ortelco.net>
Sent: Sunday, January 23, 2022 4:05 PM
To: CURRAN Chrissy * OPRD <Chrissy.CURRAN@opr.oregon.gov>
Subject: Native American Cultural Resource

I have attempted to contact SHPO for get a likely probability of locations that Native American would have camped near anadromous fish bearing streams.

I contacted Don Hann, Malheur National Forest Arch. and he said the FS had a computer model that indicated high priority sites would be near streams/rivers primarily near the floodplain. Second probability would be terrace areas just above the floodplain, and third would be upland areas. Distance from the stream was somewhat important.

Another question about European settlement. Would mid to late 1800s improvements, i.e. homesteads, irrigation structures, and land improvements be considered historical or cultural sites?

Thank You

John Morris


6. With the exception of the Secretary of the Board, no person shall fill the same office for more than three consecutive years.

- Exhibit 4 A

Meetings

This policy applies to all meeting of the Board of Directors of the District and to any meetings of subcommittees or advisory groups appointed by the Board, if such subcommittees or advisory groups would normally have a quorum requirement, take votes, and form recommendations for presentation to the Board.

1. All meetings shall be conducted in accordance with the Oregon Public Meetings Law. ORS 192.610-192.710, and 192.990 *192.710 repealed in 2005*
2. The Board Chairman will review agenda items with the Executive Director.
3. The Board shall hold special meetings at the request of the Chairman or any three members of the Board. If the Chairman is absent from the District, special board meetings may be held at the request of the Vice-Chairman or any three members of the Board. No special meeting shall be held upon less than 24 hours public notice. No business shall be transacted at any special meeting which does not come within the purpose or purposes set forth in the call for the meeting, unless all the members of the Board are present and agree to the consideration of the additional items.
4. All regular meetings of the Board shall be held on the fourth Thursday of each month. Such meetings shall be held at John Day Canyon City Park and Recreation office, at 4 p.m. or at such other places and times as the Board may designate from time to time. Notice of the time, place and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be in the form of an agenda, which shall be sent to all Board members and to all persons or other media representatives having requested notice in writing of every meeting.
5. During any Board meeting, if any member of the public requests to address the Board, such person shall state their name, address and the subject matter of their comment.
6. The District's books, budgets, and minutes of Board meetings are public property and, as such, are open to inspection at the District office by any citizen, subject to State of Oregon Public Records Statutes and Administrative Policy.
7. Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings, except that the notice need only indicate the general subject matter to be considered at the executive session and shall set forth the statutory basis for calling the executive session.
8. The Chairman, or other presiding officer, shall announce the statutory authority for the executive session before going into executive session. Once the executive session has been convened, the Chairman may direct any representatives of the news media who

 appellant but may consider other matters if it so desires. Decisions on appeal to the City Council shall be based on standards and criteria in the JDDC.

2. APPLICABLE CRITERIA

The City of John Day Development Code (the Code) governs the procedure for reviewing Conditional Use Permits. 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.

An application for a new or modified conditional use shall be processed as a Type III procedure, per Section 5-4.1.040 of the Code. The application shall meet submission requirements in Section 5-4.4.030, and the approval criteria contained in Section 5-4.4.040. The City Council shall hear the matter on the record as outlined in JDDC 5-4.1.040(F)(4).

Applicable Approval Criteria:

- 5-2.2 Residential Land Use Districts
- 5-3 Community Design Standards
- 5-4.2 Land Use Review And Site Design Review
- 5-4.4 Conditional Use Permits

Staff has reviewed the application pursuant to the procedures and applicable approval criteria set forth in the Code. The application was deemed technically complete (ready for review) on October 18, 2021 (Exhibit A). The City must make a final decision, including a final city council decision on any appeal, within 120 days, or by February 17, 2021.

3. PUBLIC NOTIFICATION

A pre-application neighborhood meeting was held by the Parks District staff on August 11, 2021, as required by Section 5-4.1.080 Neighborhood Meetings of the Code. The certification, attendance and minutes of the neighborhood meeting are enclosed (Exhibit B).

The City of John Day mailed public hearing notices of the planning commission hearing to the applicant and property owners within 100-feet of the subject site on October 18, 2021. Notice of the hearing was printed in The Blue Mountain Eagle on October 20, 2021 as required by the Code (Exhibit C).

A notice of decision was mailed on November 23, 2021 (Exhibit G). Draft (pre-approved) minutes of the Planning Commission hearing are enclosed (Exhibit H). Mr. Morris filed a Notice of Intent to Appeal on December 8, 2021 (Exhibit I). Planning staff published a notice of the appeal hearing in the Blue Mountain Eagle on December 22, 2021 (Exhibit J).

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 City Council's responsibility to interpret the Code based on findings of fact.

John Morris

From: Nicholas Green <greenn@grantcounty-or.gov>
Sent: Wednesday, January 19, 2022 7:34 PM
To: 'John & Charlene Morris'; 'John Day Canyon City Parks & Recreation'
Subject: RE: FW: Extension to written testimony

Mr. Morris.

Please direct your questions to me, as the city planning official, not to the applicant. The applicant does not have a responsibility to coach, mentor or otherwise advise you in how to appeal their application.

My email to you was clear, as were the council's instructions. You requested a continuation and the council granted it to you on Tuesday of last week, in order to give you or any other participant in these proceedings the opportunity to provide additional written evidence or testimony. They extended the window for additional testimony through 7:30 p.m. this evening (which is more than seven days).

The purpose of the record extension was to provide you (at your request) with an opportunity to respond to and/or submit additional evidence in response to anything presented at the appeal hearing (or at any other time during these proceedings). Council accommodated your request, which certainly satisfies the spirit of ORS 197.763(6) to the extent applicable.

Neither you nor any other participant has provided such evidence as of tonight's deadline, which is now passed.

Since you cannot respond to non-existent submittals, and all other evidence relied on by the council was already presented and entered into the record at the appeal hearing you attended, I'll just remind you that if you choose to submit any additional written testimony prior to the hearing in support of your appeal that you need to submit it to me before council calls the hearing to order at 7:30 p.m. on the 25th.

Sincerely,

Nicholas Green, City Manager
City of John Day
450 East Main Street
John Day, OR 97845
PH: 541-575-0028
Fax: 541-575-3668
Email: greenn@grantcounty-or.gov
Website: www.cityofjohnday.com

CONFIDENTIALITY NOTICE: This email (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, and/or distribution of this email is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the email (including any attachments).

PUBLIC RECORDS LAW DISCLOSURE: Under Oregon's Public Records Law (ORS 192.410 - 192.505), emails are generally considered "public records." Therefore, this email (including any attachments) may be subject to public inspection unless exempt from disclosure under Oregon's Public Records Law.

From: John & Charlene Morris <jmorris@ortelco.net>
Sent: Wednesday, January 19, 2022 4:32 PM
To: 'John Day Canyon City Parks & Recreation' <jdccparks.rec@gmail.com>; Nicholas Green <greenn@grantcounty-or.gov>
Subject: RE: FW: Extension to written testimony

I have not received any direction or response to my earlier message. Since the application is by the JDCCPRD I am assuming it is your responsibility to make a decision. I realize it was the city conducting the hearing but it was Lisa's recommendation to allow additional testimony and the City Council voted unanimously to accept the recommendation. The seven day is up today, January 19 at 5:00 pm. It was my understanding we had 6 day to respond to new testimony. This is a violation of ORS 197.763 Conduct of local quasi-judicial land use hearings (6) (b), which states: "If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing , that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding the new evidence." Please accept this email as my request to allow the seven day to reply.

Thank You
/s/John L, Morris

From: John Day Canyon City Parks & Recreation [<mailto:jdccparks.rec@gmail.com>]
Sent: Friday, January 14, 2022 9:38 AM
To: John & Charlene Morris
Cc: Zach Williams
Subject: Re: FW: Extension to written testimony

Hey John, I'm not really sure what, if anything, we can do in terms of who can submit testimony. I think that's at the discretion of the council but in terms of procedure, I'm not sure.

Zach, any thoughts?

On Thu, Jan 13, 2022 at 4:42 AM John & Charlene Morris <jmorris@ortelco.net> wrote:

Lisa

I received this note from Mr. Green last night. I am not sure if the additional written evidence or testimony must address the application criteria only or if the prior participants will be allowed to expand on why they think there should be a pool. I appreciate your outreach to those that gave testimony at the planning hearing, however, some were minors and non taxpayers and our report objects to their testimony. This is not intended to silence or restrict free speech but to limit irrelevant speech that does not address issues in the staff report or in my report. Please clarify and instruct me and or the participants if this is accurate.

Thanks

John L. Morris

From: Nicholas Green [mailto:green@grantcounty-or.gov]
Sent: Tuesday, January 11, 2022 8:10 PM
To: 'jmorris@ortelco.net'
Cc: Chantal DesJardin
Subject: Extension to written testimony

Mr. Morris,

I know you were present during the council's discussions today, but I wanted to send this to you in writing as well.

Council moved to reopen the record to allow prior participants to submit additional written evidence or testimony. No additional oral arguments will be heard. Evidence or testimony must be submitted to the city planning official by 7:30 p.m. on Wednesday, January 19th. Council shall review the additional information during the regular session of the city council meeting on January 25th.

Council will allow you to submit additional written testimony up to the time of the hearing and the evidence submitted by others up to the 19th will be available to you on the city website – it will be posted Thursday evening as part of the council's agenda packets at this link: <https://www.cityofjohnday.com/meetings>

Sincerely,

Nicholas Green, City Manager

City of John Day

450 East Main Street

John Day, OR 97845

PH: 541-575-0028

Fax: 541-575-3668

Email: green@grantcounty-or.gov

Website: www.cityofjohnday.com

CONFIDENTIALITY NOTICE: This email (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, and/or distribution of this email is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the email (including any attachments).

PUBLIC RECORDS LAW DISCLOSURE: Under Oregon's Public Records Law (ORS 192.410 - 192.505), emails are generally considered "public records." Therefore, this email (including any attachments) may be subject to public inspection unless exempt from disclosure under Oregon's Public Records Law.

John Morris

From: Rep Owens <Rep.MarkOwens@oregonlegislature.gov>
Sent: Tuesday, January 18, 2022 9:14 AM
To: John & Charlene Morris
Cc: Cayce Stacy
Subject: RE: John Day Aquatics Center

Charlene,

Hope you and John are doing well.

It was a good opportunity Saturday before last to meet with part of the community again. It does always make me wonder why more don't join the conversations.

I appreciate the heads up on the use of my statement to you on the funding. I was not needed but appreciated. It was my understanding that there was only 2 million left to secure on the funding when we submitted the capital construction request. Anything that I share in conversation I always am prepared for that to be shared widely.

Mark

*Mark Owens
House District 60
Rep.MarkOwens@oregonlegislature.gov
503-986-1460
Frontier Oregon – The Best part of the State*

From: John & Charlene Morris <jmorris@ortelco.net>
Sent: Sunday, January 16, 2022 4:29 PM
To: Rep Owens <Rep.MarkOwens@oregonlegislature.gov>
Subject: John Day Aquatics Center

CAUTION: This email originated from outside the Legislature. Use caution clicking any links or attachments.

Good afternoon, Representative Owens,

I appreciate your trips to John Day to try to reach out to the citizens. I believe the Grant County Republicans try to engage the citizens by providing the opportunity to communicate to our state legislators and also the gubernatorial candidates. It sure does seem like there is a lack of interest among the citizens.

During your last visit to John Day, I briefly tried to update you about the aquatics center issue. I won't go into detail about the issues that have been raised. If you would want to read the documents, I can provide them to you. The funding issue is been a bone of contention.

We have identified at least 12 issues in which there is a problem with

the conditional use permit. We are at the city council appeal hearing point now with the record being re-opened for additional testimony.

As my husband is the appellant in this matter, I would like you to know we intend to use your statement that you said to me on January 8, 2022 in the parking lot "we were told it was fully funded except for the \$2 million".

Please let me know if this would be inappropriate or if you would prefer that we don't use your name. I won't do or say anything that would be detrimental to you or your position.

Thank you for your consideration.

Charlene Morris



2021 American Rescue Plan House Member Survey of Priorities Deadline: April 2, 2021

The American Rescue Plan Act (ARPA) is anticipated to provide Oregon with \$2.6 billion in discretionary federal recovery funds. The co-chairs of Ways and Means released a budget framework for 2021-23 that relies on those funds to protect current state services from reductions and to provide \$780 million in new, urgent investments to revitalize Oregon’s economy and provide workers and families the resources they need to recover from the impacts of the pandemic.

A title-by-title summary of the ARPA is available [here](#). Governor Kate Brown released a list of principles outlining priorities for the ARPA funds that can be reviewed [here](#). Additionally, while detailed federal guidance has not yet been published, these dollars cannot be used for new tax breaks or to reduce pension obligations.

Legislative leadership is interested in hearing from members about their ideas to invest in our state and our people. Please fill out one form per idea. There is no limit to the number of ideas a member may submit.

TIMELINE

Friday, April 2, 2021:	Deadline for legislators to submit ideas (one per form)
Week of April 5:	Review by policy and subcommittee chairs and vice-chairs
Weeks of April 12 and 19:	Public feedback through Ways and Means community hearings
Week of April 26:	Review by Caucus Leaders, Co-Chairs, Presiding Officers and Governor
Early May	Technical review, contingent on timing of guidance from U.S. Treasury

PROPOSAL DESCRIPTION (define problem and proposed solution)

NEW JOHN DAY AQUATICS CENTER

The City of John Day has developed a facility plan to replace Gleason Pool, the only public swimming pool in Grant County, with a new aquatics center. Gleason is now a 63-year old facility that opened in 1958 and is the second oldest municipal pool in the state. The new aquatics center is a 7,700 SF facility featuring a six-lane, 25-yard competition pool (75' long x 50' wide) and a 600 SF warm water pool (30' long x 20' wide). The Aquatics Center includes a front lobby and reception area, office space, party room/meeting space, family and individual locker rooms and pool support spaces. It will operate on land donated by the John Day/Canyon City Parks & Recreation District at the west end of the 7th Street Sports Complex in John Day.

ESTIMATED COST (ranges are ok, please include any necessary context)

\$2,000,000

(total project cost is \$5,614,960—they have already secured \$3,614,906 in matching funds, so are asking for the remaining \$2,000,000)

Representative Submitting Proposal: Rep. Mark Owens

Please return the completed form and any supporting documentation to:
lindsey.obrien@oregonlegislature.gov