

**CITY OF JOHN DAY
PLANNING COMMISSION
JOHN DAY, OREGON**

October 23, 2018

COMMISSIONERS PRESENT:

Neale Ledgerwood, Commissioner
Tom Wilson, Commissioner
Tim Unterwegner, Commissioner
Darin Toy, Commissioner

COMMISSIONERS ABSENT:

Ken Boethin, Commission Chair

STAFF PRESENT:

Nicholas Green, City Manager
Aaron Lieuallen, Senior Project Manager

Chantal DesJardin, Secretary

GUESTS PRESENT:

Mary Lou Welby, John Day
Gary Edwards, Kirby Nagelhout Const. Co.
Rick Hanners, Blue Mountain Eagle
Jody Moulton
Dean Nodine

Monty Bond
Greg Haberly
Chris Labhart, Kam Wah Chung
Greg Armstrong

Agenda Item No. 1—Open and Note Attendance

Commissioner Tim Unterwegner called the Planning Commission meeting to order at 6:00 p.m. He noted that Chairman Boethin had a family emergency, so he would be running the meeting for the first time.

Agenda Item No. 2—Approval of City Council Minutes of September 11th, 2018

Commissioner Ledgerwood moved to approve the September 11th minutes. The motion was seconded by Commissioner Wilson and passed unanimously.

Agenda Item No. 3—Appearance of Interested Citizens

City Manager Green gave an overview of the proceedings for the four amendments, noting each one will be addressed in turn, with opportunity for public comment on each. Commissioner Unterwegner noted three of the items will be dealt with as a public hearing; as scheduled, he will identify the subject, announce when the public hearing is open and request anyone interested to state their feelings regarding the matter. Failure to raise an issue, in person or by letter to the planning commission/city council, precludes the raising of that issue at subsequent time of appeal.

Agenda Item No. 4—AMD-18-01 Kam Wah Chung and Gleason Park Rezoning

Commissioner Unterwegner read the amendment being presented. He then asked the present commissioners if anyone had a conflict of interest; none was declared. City Manager Green read the evaluation criteria the commission uses to evaluate the application. Commissioner Unterwegner stated the testimony, arguments, and evidence must be directed toward the criteria, or other criterion in the

(Comprehensive) Plan or land use regulations which the person believes to apply to the decision, and failure to raise an issue, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to the board based on that issue. City Manager Green reviewed the staff report.

Commissioner Unterwegner opened the public hearing at 6:06PM.

Dean Nodine began to ask a question and realized it was not about the current application. Chris Labhart, representing Kam Wah Chung, noted the property has always been used for parks and recreation; he expressed support for the rezoning and the desire to install a RV site for their camp host on the property. Statements were made about the sale of the city park, City Manager Green noted the city council and OPRD are in discussion, no offer has been made or accepted regarding the sale—they are both completing due diligence and the proposed development (RV space) will be submitted subsequent to the zoning change application, and was not included in the notification to the adjacent property owners. There was discussion among commissioners about the land use of nearby properties, including the current location of the Kam Wah Chung Heritage Site, and potential future relocation to the proposed rezoned area.

Commissioner Unterwegner asked for further comment from the public; no comments were made, so he closed the hearing at 6:10PM. There was no further discussion among commissioners.

Commissioner Ledgerwood moved to approve amendment AMD-18-01 based on the findings contained in the staff report with conditions, if any. Commissioner Unterwegner clarified there had been no conditions. The motion was seconded by Commissioner Wilson and passed unanimously.

Agenda Item No. 5—AMD-18-02 Hill Family Park Rezoning

City Manager Green reviewed the application, staff report background, and the approval criteria. Commissioner Unterwegner stated the testimony, arguments, and evidence must be directed toward the criteria, or other criterion in the (Comprehensive) Plan or land use regulations which the person believes to apply to the decision, and failure to raise an issue, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to the board based on that issue. He then asked the present commissioners if anyone had a conflict of interest; none was declared. Green displayed the proposed zoning map to those present and restated the criteria findings included in the staff report. He emphasized that no new development is proposed with the zoning changes. Those ideas are being developed with the design team and will be vetted by the Community Advisory Committee then presented to the public, surrounding property owners, and the council.

Commissioner Unterwegner opened the public hearing at 6:22PM.

Monty Bond asked for clarification of a map (see Notice to Property Owners for AMD-18-01), which Green clarified was an irrelevant part of the county mapping design. Mary Lou Welby asked if this property was a suitable location for a pool or if State zoning precluded that due to the river{inaudible}. City Manager Green replied it was not likely because they would prefer to find a location with better access and is not in the floodplain.

Commissioner Unterwegner asked for further comment from the public; no comments were made, so he closed the hearing at 6:24PM. There was no further discussion among commissioners.

Commissioner Toy moved to approve amendment AMD-18-02 based on the findings contained in the staff report with no conditions. The motion was seconded by Commissioner Wilson and passed unanimously.

Agenda Item No. 6—AMD-18-03 Davis Creek Annexation

City Manager Green explained the procedure, reviewed the application proposal, and read each of the approval criterion for the annexation and zoning change, included in the staff report. Commissioner Unterwegner stated the testimony, arguments, and evidence must be directed toward the criteria, or other criterion in the (Comprehensive) Plan or land use regulations which the person believes to apply to the decision, and failure to raise an issue, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to the board based on that issue. He then asked the present commissioners if anyone had a conflict of interest; none was declared. City Manager Green reviewed the staff report, noting the application does not include any proposed development, though it is intended to be submitted in a future proposal.

Commissioner Unterwegner opened the public hearing at 6:31PM.

Mary Lou Welby asked for an overview of findings in criteria 3, such as when the planning process might start. City Manager Green replied they are expecting to begin in November, to proceed over a 6-8 month window, with decisions being made around June 2019. He added they had learned that day, their proposed trial network extension was recommended for funding to the Oregon Transportation Commission and ranked as the #1 nonmotorized proposal for the full sum of \$190,000.

Commissioner Unterwegner asked for further comment from the public; no comments were made, so he closed the hearing at 6:33PM.

There was additional discussion with the commission about the procedure of annexation and subsequent zoning change. It was clarified that this annexation proposal does not change the ownership or responsibility of the cemetery.

Commissioner Wilson moved to approve amendment AMD-18-03 based on the findings contained in the staff report with no conditions. The motion was seconded by Commissioner Toy and passed unanimously.

Agenda Item No. 7—AMD-18-04 Oregon Pine Annexation and Rezoning

City Manager Green reviewed the application background and each of the approval criterion for annexation and zoning changes. Commissioner Unterwegner stated the testimony, arguments, and evidence must be directed toward the criteria, or other criterion in the (Comprehensive) Plan or land use regulations which the person believes to apply to the decision, and failure to raise an issue, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to the board based on that issue. He then asked the present commissioners if anyone had a conflict of interest; none was declared. City Manager Green reviewed the staff report; noting the application does not include any proposed development. He added

that the city council anticipates extending 7th Street to Patterson Bridge Road, which will go through a separate process of approval.

Commissioner Unterwegner opened the public hearing at 6:42PM.

Mary Lou Welby asked how the floodplain affects the commercial use. City Manager Green replied there is a portion of the property, about 20 acres on the north and a small area on the south, that is not in the floodplain. Those are buildable without any specific development restrictions. Both commercial and industrial structures can be built in the floodplain but must conform to the floodplain development standards outlined in the code; it adds some cost but is not prohibited.

Commissioner Unterwegner asked for further comment from the public; no comments were made, so he closed the hearing at 6:43PM. There was no further discussion among commissioners.

Commissioner Ledgerwood moved to approve amendment AMD-18-04 based on the findings contained in the staff report with conditions, if any. The motion was seconded by Commissioner Wilson, there was clarification that no conditions had been expressed, and the motion passed unanimously.

Agenda Item No. 7—No Other Business

Commissioner Unterwegner asked if any member of the public had any reason to ask for a continuance to the public hearing. None were heard.

Adjourn

There being no further business before the commission, Commissioner Toy motioned to adjourn the meeting at 6:45 pm. The motion was seconded by Commissioner Ledgerwood and passed unanimously.

Respectfully Submitted:



Nicholas Green
City Planning Official

ATTEST:



Ken Boethin, Chairman

02-21-19

Date