

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

January 14<sup>th</sup>, 2020

**COMMISSIONERS PRESENT:**

Ken Boethin, Commission Chair  
Neale Ledgerwood, Commissioner  
Tim Unterwegner, Commissioner  
Darin Toy, Commissioner  
Tom Wilson, Commissioner (re-election at  
7:00PM non-voting member)

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:**

Nicholas Green, City Manager  
Monte Legg, Public Works Director  
Don Gabbard, Fire Chief

Daisy Goebel, Associate Planner  
Mike Durr, Police Chief

**GUESTS PRESENT:**

Rudy Diaz – BME  
Nancy – Board Chair, Heart of Grant County  
Stacey – Board Member, Heart of Grant County  
Rick Minster – Board Member, Heart of GC  
Beth Simonsen – Grant County Economic  
Development Office/Heart of GC Director

Chris Fox – RHP  
Sally Knowles – Applicant  
Shannon Adair – JD City Councilor/Resident  
Mike Springer – Benchmark Land Surveying  
Bob Pereira – Grant County Resident

**Agenda Item No. 1—Open and Note Attendance**

Chairman Ken Boethin called the Planning Commission meeting to order at 6:00 p.m. He noted that everyone was present.

**Agenda Item No. 2—Appearance of Interested Citizens**

Chairman Boethin asked City Manager Green to explain the intent of the meeting. Green noted it was a public meeting not a public hearing.

**Agenda Item No. 3—CUP 19-03: Steve Smartt Accessory Structure**

Request: CUP to permit an additional 200 SF of space and 4 feet of height for an accessory structure

Staff Report: Mrs. Goebel discussed the scope of the application, including CCRs and their relevance to the application. Staff reviewed the letters presented by Mr. Smartt and letter from Mr. Burton.

Public Comment: None appearing; public hearing closed at 6:05 P.M. and opened for discussion among PC members.

PC Discussion: Chair Boethin asked if the applicant was aware of the CCRs before he purchased the lot; staff commented that he was. He is insistent that it does not impair the neighbors view. Chair Boethin noted he did not want to set a precedent for non-conforming developments that would potentially open a can of worms. Mr. Unterwegner said he looked at the site today and it was unclear where it would be located. He asked if a site sketch could be provided.

Motion: Chair Boethin moved to table the matter until further information could be provided by Mr. Smartt, specifically a site elevation profile as required by the Code; Mr. Unterwegner seconded. Motion passed unanimously.

**Agenda Item No. 4—LP 19-03: Knowles Land Partition (6:14 P.M.)**

Request: Mrs. Knowles is requesting approval of a preliminary plat due to the size of the partition being larger than one-acre.

Staff Report: Staff reviewed the report. Applicant commented that she intends to continue with her project as previously approved, but for financing reasons it makes sense for her to subdivide before further developing.

Public Comment: Non appearing. Closed at 6:16 P.M.

PC Discussion: None

Motion: Mr. Ledgerwood moved to approve LP 19-03 based on findings and conditions; Mr. Toy seconded and the motion passed unanimously.

**Agenda Item No. 5— SDR 19-03: Heart of Grant County “Meredith House”**

Request: Site Design Review

Staff Report: Staff reviewed the proposed plans for the domestic violence shelter in the Downtown zone, the sketch and site layout provided in staff report. Plans meet all code requirements with no variances required. Applicants expressed their excitement with the building.

Public Comment: None appearing. Closed at 6:20 P.M.

PC Discussion: Mr. Unterwegner asked about lot depth and width and how that is interpreted in the code. Staff clarified that the lot width and depth requirements are based on the minimum standards, not the width or depth of the lot itself.

Motion: Mr. Unterwegner moved to approve SDR 19-03. Mr. Ledgerwood seconded and the motion passed unanimously.

(Chair Boethin recessed for 5 minutes to give the audience members for prior actions an opportunity to excuse themselves if they so choose; meeting resumed at 6:26 P.M.)

**Agenda Item No. 6—Review of CI 16-01: Riverside Home Park Variance (6:22 P.M.)**

Request: City initiated request for review of the RHP Code Interpretation / Variance

Staff Report: Mrs. Goebel discussed resident concerns raised about the condition of the home park; the City has taken a proactive approach to address those concerns by working with the park owners. As part of that process, staff went back and reviewed a Class B Variance granted to the park in 2016, which allowed the owner to bring in non-conforming homes that did not meet minimum floor plan size or dimensions. She noted that a variance request requires public notice, public hearing and then a decision, but that process was not followed during the Code Interpretation. Staff's recommendation is to revoke the Variance on the grounds that it was procedurally incorrect. Staff also noted that many of the code compliance requirements that were not altered in the Variance request have not been followed. Mr. Fox (owner) stated he was not aware of the PC's intent to review the variance, or conditional use permit, or whatever the decision was that the PC made in 2016. Mr. Fox read a statement on letterhead he provided to the PC.

Public Comment: A tenant asked about existing units and how the code is being applied to existing units; Commissioner Boethin and staff clarified the scope of this application is units that were brought into the property since 2016.

PC Discussion: Chair Boethin stated it appears that the PC followed the wrong procedure in 2016. He stated that his belief is that we need to start over and do it right. Mr. Ledgerwood and Mr. Unterwegner stated they were not PC members at the time, but in Mr. Unterwegner's opinion it is the procedure where we failed, not in the substance. We need to start over and do it right. Mr. Toy asked if having a public forum in 2016 would have allowed these issues (as expressed by residents) to be reviewed by the PC. It was an important aspect of the decision that should have been considered but was not. Mrs. Goebel noted the entire park is a non-conforming use, this scope is limited to new manufactured homes. Motion: Mr. Toy moved to revoke the variance granted in CI-16-01 based on the findings contained in the staff report; Mr. Unterwegner seconded and the motion passed unanimously, none opposed.

**Agenda Item No. 7— Next Meeting Date**

Staff proposed 18<sup>th</sup>, 20<sup>th</sup> or 25<sup>th</sup> for the next hearing; P.C. selected the 18<sup>th</sup>.

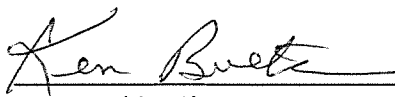
**Adjourn**

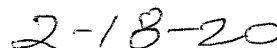
There being no further business before the commission, Commissioner Ledgerwood motioned to adjourn the meeting at 7:00 pm. The motion was seconded by Commissioner Unterwegner and passed unanimously.

Respectfully Submitted:

Nicholas Green  
City Manager

ATTEST

  
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Ken Boethin, Chairman

  
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Date