



Planning Commission Meeting

Monday, June 24, 2024 at 6:00 pm

Joseph City Library: 201 N Main St, Joseph, OR 97846

The Public Is Welcome to Attend in Person or Via the Zoom Link Below

Zoom Meeting Details

Join Zoom Meeting:

<https://us05web.zoom.us/j/93726546800?pwd=eXlmZXA5WTZvdG5qbXBkZWY4MWxzZz09>

Webinar ID: 937 2654 6800

Passcode:78d2sE

Dial by your location:

+1 253 215 8782 US (Tacoma)

One tap mobile:

US: +12532158782,, 93726546800#,,,,*418464# or +13462487799,, 93726546800#,,,,*418464#

Agenda

1. Call Meeting to Order
 - a. This Meeting is Being Recorded
 - b. Please Silence All Cell Phones
2. Staff Report
 - a. City of Joseph report on any recent Type I and Type II Applications
3. Public Hearing
4. New Business
 - a. Discuss potential future agenda items
5. Old Business
 - a. Ordinance Update - process only
6. Consent Agenda (Includes Meeting Minutes)
 - a. Minutes from 5/20/2024

Attachments:

- **5/20/2024 Planning Commission Meeting Minutes** (2024-05-20__PC_Minutes.pdf)

- 7. Planning Committee Member's Items**
 - 8. Planning Committee Chair Items**
 - 9. Presentations**
 - 10. Next Meeting Dates**
 - 11. Adjournment**
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Notice: For questions regarding this meeting, please email the City of Joseph Ordinance Officer at OrdinanceOfficer@joseph,oregon.org or call City Hall at (541) 432-3832. Thank you.

Attendees

City Representatives	Planning Commissioners	Citizens of Joseph	General Public
Douglas McKinnis, Ordinance Officer	Diane Daggett Carol Bartlow Benjamin Curry Angie Lunde Jean Jancaitis	Chris Bullet Steve Rubin Angie Rubin Meg Bowen Kathy Norman	Stephanie Anderson-Stroup Randi Jandt Jennifer Goertzen Jude Graham Yun McFall Miles McFall John Amond Sally Bradt

1. Call to Order

CM Jancaitis begins the meeting, notes that it is being recorded and requests that everyone silence their cell phones. She introduces the Commissioners and staff present:

Planning Commissioners present include Diane Daggett, Carol Bartlow, Benjamin Curry, and Jean Jancaitis.

Representing the City of Joseph is Douglas McKinnis, the Ordinance Officer.

Noting the number of citizens attending, CM Jancaitis requests that public comment be moved to the start of the meeting and the Commission agrees.

Most of the people in attendance speak and all express concern about a Dollar General in Joseph. In their testimony, all are opposed. The City Ordinance Officer reports that no application has been received. Neither the Ordinance Officer nor any Commissioner has any evidence that Dollar General is planning a Joseph location. Citizens add that the Oregon cities of Sisters and Yachats may have some approved code to prevent stores like a Dollar General. The Commission recommended the group of citizens work together to find and tailor new language for a proposed code amendment. They advised that code amendments are a legislative process, take a minimum of three to four months, involve at least two public meetings and are only approved by an Order of the City Council. The Commission also requested that citizens not talk individually to commission members outside of meetings, but instead come to Planning Commission meetings. The Commission thanks the citizens for their comments and taking the time to get involved in the public process.

2. Staff summarizes recent Zone Permits that do not need a public hearing

Ordinance Officer McKinnis reports that no new applications have been received. He adds that the new

Variance Application (#2024-13 for 810 Russell Ln) has not yet been deemed complete. Once it is, the Commission will receive a Staff Report.

3. Public Hearing.

CM Jancaitis opens the hearing portion of the meeting.

Ladies and Gentlemen, I call the regular May 20, 2024 hearing session of the City of Joseph, Oregon Planning Commission to order. My name is Jean Jancaitis, and I am the Chair of the Planning Commission. The members of the Planning Commission are appointed by the City Council, and we all serve as volunteers. Now I would like to introduce the current members of the Commission who are present tonight, and those representing the City of Joseph, who have prepared the materials we will consider. (CM Jancaitis notes the previous introductions and continues.)

We conduct two types of hearings, legislative and quasi judicial. Legislative hearings involve the making of rules, either new ones or revisions to existing rules. In these cases we recommend our conclusions to your elected lawmakers, the Joseph City Council, who always take the final action on legislative issues. Oregon law requires that persons who attend land-use hearings be advised of certain rights and duties before the quasi-judicial hearing begins. We must tell you about approval criteria, the raise-it-or-waive-it-rule, and the right to have the record left open.

First approval criteria: the law requires the City to list the applicable City, County and State zoning criteria. A City representative will do so in a few minutes. The law requires us to identify those standards which an applicant must satisfy in order for the City to approve an application. Each of the standards must be supported by substantial evidence in the record. Make sure to direct your testimony, claims, or evidence toward the criteria which you believe applies to the application.

Second, the raise-it-or-waive-it rule. The law says that any issue which might be raised in an appeal of the decision after this hearing must be raised before the record of this hearing is closed, or you cannot raise the issue on appeal. You must identify the issue clearly enough so that the City and all parties have an opportunity to respond to the issue.

Third, the right to have the record remain open. The law grants the participant the right, upon proper request, to have the record of the hearing remain open for at least seven days. The request must be made before the conclusion of this hearing. The participant is the applicant or anyone who has submitted written or oral testimony regarding the application. The request may be made at any time during the initial hearing, but must be made prior to the time the Planning Commission Chair announces that the hearing is closed. Once the hearing is closed, there is no longer a legal right to have the record remain open for additional evidence.

In performing our obligations in these matters, we are required to render an impartial decision. This means we cannot have a personal or financial stake, or bias that would prevent us from making an impartial decision. Before we begin, I will call for the disclosure of bias, ex parte contacts, and conflict of interest from each commissioner. Anyone in the audience will then have the opportunity to question any of us about those disclosures.

- Does any Commission member wish to recuse themselves from any of the proposed procedures for personal, financial, or other reasons, or does any Commission member wish to report any significant ex parte or pre-hearing contacts and explain/share what you have heard?

[nothing voiced]

- Does any member of the audience wish to challenge the right of any commissioner to hear any of the matters on this hearing's agenda?

[nothing voiced]

- Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of the City of Joseph regarding any matter scheduled for this hearing

[nothing voiced]

I would like to reiterate the Oregon Land Use Laws require that any issue to be appealed must be raised during this hearing: Failure to raise issues at this hearing will invalidate any further appeal.

This Quasi-Judicial public Hearing is now open for the purpose of considering the applications before us.

4. New Business

- a. FINDINGS MAKELA/BRITT, KOKANEE INN, 700 S. Main St.
CUP#2024-02
- CM Curry makes a motion to approve the Findings Report for application CUP#2024-02 with the following revisions:
- Page 2, remove "pre-existing nonconforming use" from the Staff Comment.
 - Remove "and received" from the findings under Section 156.132
 - Remove Section 156.132 because it pertains to variances.
 - The application approval vote is added.
- CM Daggett seconds the motion.

[CM Daggett - Yes;
CM Curry - Yes;
CM Bartlow - Abstains;
CM Jancaitis - Yes;

Motion passes 3-0-1]

The Findings Report is approved with edits.

5. Old Business

- a. FINDINGS CARRICK - 601 S. Lake St.
CUP#2023- 24
- This report was approved on March 25, 2024.
- b. FINDINGS JUNKINS - 104 E. 11th St
VAR#2023-18
- This report was approved on March 25, 2024.

c. VACATION
#2023-23

AMICK - 101 N. Pine St.

CM Daggett makes a motion to approve the Findings Report for application VAC#2023-23 with the following revisions:

- Change the proposal description to 13' instead of 10'
- Remove "and received" from the findings under Section 156.165
- The application approval vote is added.

CM Curry seconds the motion.

[CM Daggett - Yes;
CM Curry - Yes;
CM Bartlow - Abstains;
CM Jancaitis - Yes;

Motion passes 3-0-1]

The Findings Report is approved with edits.

d. Commissioner
Attendance

The Commissioners agree to set the expectation for ourselves that, barring extreme circumstances, we will attend nine out of eleven Planning Commission meetings per year. When we are unable to attend, we will inform both the City of Joseph Ordinance Officer and the Planning Commission Chair at least one week in advance so that they can determine whether a quorum will be present.

e. Buildable
Lands/ Housing
Assessment

Oregon Department of Land Conservation and Development, Eastern Oregon University's Rural Engagement and Vitality Center, and ECO Northwest

The draft Buildable Lands Inventory is expected in July.

f. Ordinance
Update

Process Update

The Commissioners agree to keep moving forward with the City of John Day's code as a model. CM Jancaitis will start a GoogleDoc where Commissioners can help edit code. CM Daggett asks if a GoogleDoc complies with public meeting laws and requests that the Ordinance Officer look into it.

g. Work Plan and
Budget

No changes. The FY 2024-2025 budget process is ongoing. The next meeting is May 23, 2024. There is money in the draft budget for Planning Commission support.

6. Presentations - none

7. Consent Agenda (Minutes)

a. 3/25/2024

CM Daggett makes a motion to approve the Consent Agenda.

b. 4/22/2024

CM Curry seconds the motion.

[CM Daggett - Yes;
CM Curry - Yes;
CM Bartlow - Abstains;
CM Jancaitis - Yes;

Motion passes 3-0-1]

The Consent Agenda is approved.

8. Planning Commission Members Items

CM Curry requests that all Packet information be made publicly available on the website at the same time that it is available to Planning Commissioners.

CM Daggett and CM Bartlow support this request.

CM Curry cites Statewide Planning Goal 1: as it calls for "the opportunity for citizens to be involved in all phases of the planning process."

CM Jancaitis will request that the Planning Commission packets are posted to the website at the same time that they are made available to the Planning Commissioners.

9. Planning Commission Chair Items

CM Jancaitis requests a code determination on the minimum square footage of duplexes and multi-family dwellings.

10. Next Meeting Date

The next Planning Commission Meeting is June 24, 2024 at 6:00 pm. It will be held either at the Joseph Library or Community Center.

11. Adjournment

CM Curry makes a motion to adjourn the meeting.

CM Bartlow seconds the motion.

[CM Daggett - Yes;

CM Curry - Yes;

CM Bartlow - Yes;

CM Jancaitis - Yes;

Motion passes 4-0-0]

The meeting is adjourned at 7:15 pm.

Summary of action items:

1. City will research whether 2 South Mill could be converted to short-term rentals and whether there is a way to prevent this.
2. City will add a copy of the proposed planning budget to the next packet. [CM Jancaitis: checked on this and the budget isn't published until it is passed, but folks are welcome to attend the budget meeting.]
3. CM Jancaitis will work on getting a version of the code on the GoogleDrive for folks to work on independently.
4. City will research whether there is a way to work in a shared GoogleDrive file that does not constitute a public meeting.

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5. Commissioners request that meeting packets are placed on the website at the same time as they are distributed to commission members.
6. City will check with DLCDC and legal support on the interior minimum square footage requirements of duplexes and multifamily dwellings. [CM Jancaitis: checked with City staff and the 1,000 square foot requirement does not apply to duplexes and multifamily dwellings.]

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