**SPECIAL MEETING**

**SEPTEMBER 16, 2019**

**7:30 PM**

**PRESENT:** MAYOR DUSTY TIPPET. COUNCIL MEMBERS DARCI CALHOUN, MITCHELL SHELTON, HUB APRIL AND LEE ALLEN. CITY RECORDER TONI CLARY. WATER MASTER SHAWN YOUNG.

**VISITORS:** COLE GUSTAFSON AND CHRISTINA DEVILLIER.

**REASON FOR MEETING:** THE COUNCIL HAS COME TOGETHER ALONG WITH APPLICANTS TO DISCUSS THEIR ZONING PERMIT.

MAYOR DUSTY BEGAN THE MEETING WITH A BRIEF OVERVIEW OF THE PURPOSED ZONING PERMIT:

* THE ORIGINAL CONDITIONAL USE PERMIT REGARDING THE FIRST STRUCTURE ON THE PROPERTY WAS READ AND NOTED IT STATES CABOOSE IS INTENDED TO BE PERMANENT HABITANT.
* DEQ PERMIT WAS LOOKED OVER SHOWING THE EXISTING CABOOSE WITH BATHROOM ADDITION ON THE SOUTH WALL.
* ZONING PERMIT WAS LOOKED OVER SHOWING EXISTING CABOOSE WITH DECK ON SOUTH WALL AS WELL AS A SEPARATE SHOP/GREENHOUSE WITH NO BATHROOM OR BEDROOM PURPOSED.
* WALLOWA COUNTY PLANNING DEPARTMENT CONTACTED CITY RECORDER WITH CONCERNS ABOUT THE SECOND DWELLING INCLUDING BATHROOM, BEDROOM AND BASEMENT INCLUDED ON THE DRAWING.
* AFTER SIGNING OF APPROVAL ON ORIGINAL ZONING PERMIT THINGS HAD BEEN CHANGED BEFORE IT WAS SUBMITTED TO PLANNING DEPARTMENT. THIS MAKES THE DOCUMENT NULL AND VOID STARTING THE PROSSES OVER.
* MAYOR DUSTY STATES THAT WE HAVE NO ISSUES WITH THE PLANNED PURPOSED TO DEQ SHOWING ADDITION MADE TO THE SOUTH SIDE OF CABOOSE. THERE IS A PROBLEM HOWEVER WITH HAVING TWO SEPARATE DWELLINGS ON THE PROPERTY.

**OPEN FOR DISCUSSION:**

* MRS. DEVILLIER BELIEVES THE CONFUSION LIES WITH THE DEFINITION OF A DWELLING. ACCORDING TO STATE LAW A DWELLING IS DEFINED BY WHETHER OR NOT THE STRUCTURE HAS A KITCHEN. SINCE ONLY THE CABOOSE WILL HAVE A KITCHEN MRS DEVILLIER ARGUES THE PURPOSED STRUCTURE DOES NOT QUALIFY AS A DWELLING.
* MAYOR TIPPET ASKS IF THEY ARE ASKING US TO APPROVE TWO LIVABLE STRUCTURES.
* COUNCIL WOMEN DARCI CALHOUN STATES A BEDROOM CAN NOT EXIT INTO A GARAGE. MR GUSTAFSON EXPLAINS THAT IT IS A WOOD SHOP OPPOSED TO A GARAGE.
* MRS DEVILLIER COMMENTS PLANNING DEPARTMENT INFORMED THEM THEY COULD NOT HAVE A DOORWAY ON THE STAIRS AND THAT HAS SINCE BEEN CHANGED.
* REGARDING WATER MR GUSTAFSON AND MRS DEVILLIER PURPOSE RUNNING WATER LINES TO NEW STRUCTURE THEN UNDER DECK AND INTO CABOOSE.
* MAYOR DUSTY EXPLAINS THAT DEQ REQUIRES A NEW PERMIT TO BE SUBMITTED TO THEM SHOWING NOT AN ADDITION BUT A SEPARATE STRUCTURE. MRS DEVILLIER DISPUTES THIS SAYING SHE HOLDS A SIGNED PERMIT FROM DEQ. CITY RECORDER EXPLAINS CONVERSATION HAD WITH SIGNER OF SAID PERMIT STATING THAT THE TWO PERMITS DO NOT MATCH AND THEY NEED TO BE RESUBMITTED. MRS DEVILLIER EXPLAINS THAT TERRY JONES SUBMITTED THE PERMIT TO DEQ ON THEIR BEHALF. CITY RECORDER EXPLAINS THE ORDINANCE THAT STATES WE REQUIRE DEQ APPROVAL THERE FOR NEED CONFIRMATION FROM THEM.
* MAYOR TIPPET INQUIRES IF NOT TECHNICALLY A DWELLING WHAT THE REGULATIONS WOULD BE.
* MRS DEVILLIER AGAIN READS STATES DEFINITION OF A DWELLING. MAYOR TIPPET INFORMS THAT OREGON IS A HOME RULE STATE MEANING THE STATE GIVES THE POWER OF A LOCAL CITY OF COUNTY TO SET UP ITS OWN SYSTEM OF GOVERNING AND LOCAL ORDINANCES REGARDLESS OF STATE LAW. MAYOR TIPPET THEN READS THE CITY OF LOSTINE ORDINANCE DEFINING A DWELLING AND ACCESSORY BUILDING.
* CITY RECORDER OFFERS POSSIBLY A CONDITION CAN BE ADDED TO THE PERMIT PROHIBITING A KITCHEN EVER BEING PLACED IN THE SECOND STRUCTURE.
* MR GUSTAFSON SAYS HE WILL CONTACT PLANNING DEPARTMENT TO STRAIGHTEN OUT THE CONFUSION OF THE SHOP VS GARAGE.
* MRS DEVILLIER ASKS WHAT DEQ NEEDS. CITY RECORDER EXPLAINS SHE WILL HAVE TO CONTACT DEQ FOR DETAILS.
* CITY COUNCIL MITCHELL SHELTON WANTS TO CLARIFICATION, THE CABOOSE WILL HAVE WATER RUNNING TO IT? NEW STRUCTURE WILL HAVE BATHROOM WITH WATER TO IT? AND CABOOSE IS EQUIPPED WITH COMPOSTING TOILET? ALL ARE CORRECT.
* CITY COUNCILMAN LEE ALLEN ASKS IF THE DECK CONNECTING THE TWO STRUCTURES QUALIFIES IT AS ONE STRUCTURE OR DOES IT HAVE TO BE AN ENCLOSED HALLWAY? THIS IS A QUESTION THAT WILL HAVE TO BE ANSWERED BY THE PLANNING DEPARTMENT.
* MRS DEVILLIER STATES THIS WILL BE THEIR FINAL CHANGE TO THE LOT. ALSO, THAT THE CABOOSE TECHNICALLY DOESN’T HAVE A FOUNDATION ALTHOUGH IT IS WELDED TO THE RAILS.
* MR GUSTAFSON SAYS THEY ARE GOING TO NEED TO CALL IT A NEW DWELLING ON THIS PERMIT OPPOSED TO AN ADDITION IN ORDER FOR THEM TO NOT HAVE TO SUBMIT A NEW PERMIT TO THE PLANNING DEPARTMENT AND PAY THE FEE.
* COUNCIL WOMEN DARCI CALHOUN STATES THAT THE ORIGINAL ZONING PERMIT WAS APPROVED BECAUSE THE COUNCIL WAS MADE TO BELIEVE IT WAS ONE STRUCTURE WITH AN ADD ON.
* MRS DEVILLIER ADMITS PERHAPS SOME CONFUSION WAS CAUSED IF THEIR ORIGINAL PLAN WAS NOT QUITE TO SCALE.
* MRS CALHOUN STATES THAT OUR MAJOR CONCERN IS THAT EVERYTHING IS DONE THROUGH THE PROPER LEGAL AVENUES.
* MRS DEVILLIER VOICES CONCERNS FOR THE CHANGING WEATHER CAUSING PRESSURE FOR TIME, AS WELL AS THE 8’ HOLE THEY EXCAVATED BEFORE THE PLANNING DEPARTMENT KICKED THE PERMIT BACK IS A HAZARD. MRS DEVILLIER SAYS THEY JUST WANT EVERYONE TO BE ON THE SAME PAGE.
* MRS CALHOUN REQUIRES THAT THEY CONTACT DEQ THE NEXT DAY.
* MRS DEVILLIER DOESN’T BELIEVE THE ZONING ORDINANCE REQUIRES DEQ APPROVAL. MAYOR TIPPET READS ORDINANCE.
* MRS DEVILLIER ASKS IF SHE CAN WRITE A NEW ZONING PERMIT CALLING IT AN ADDITION? MR GUSTAFSON REMINDS THAT IN ORDER TO NOT HAVE TO REAPPLY WITH PLANNING DEPARTMENT IT NEEDS TO STILL BE DEFINED AS NEW STRUCTURE ON PERMIT.
* MAYOR TIPPET INQUIRES IF THE CABOOSE REQUIRED A DWELLING PERMIT FROM THE PLANNING DEPARTMENT WHEN IT WAS ORIGINALLY PLACED. MR GUSTAFSON SAYS NO.
* MRS DEVILLIER STATES THAT WHAT THEY WANT IS TO APPLY FOR ONE DWELLING INCLUDING THE CABOOSE, DECK AND NEW STRUCTURE MAKING IT ALL ONE DWELLING WITH THE CABOOSE BEING THE ONLY TO HAVE KITCHEN AND CONDITIONS TO THE PERMIT PROMISING TO NEVER BUILD ANOTHER KITCHEN ON THE PROPERTY.
* MR YOUNG STATES THAT THE PROBLEM HE SEES IS THAT THE PLAN LOOKS TO BE ONE STRUCTURE BUT IF YOU WALK THE PROPERTY, YOU’LL SEE THAT IT IS NOT ATTACHED OTHER THEN A DECK. MR GUSTAFSON AGREES THAT HE NEEDS TO DISCUSS WITH DEQ TO STRAIGHTEN IT ALL OUT.
* MR SHELTON STATES THAT WE UNDERSTAND THEY ARE PRESSED FOR TIME BUT AS A COUNCIL WE NEED DEQ APPROVAL. MAYOR TIPPET AGREES THAT IT NEEDS TO PASS DEQ. MRS DEVILLIER INSISTS THAT IT HAS PASSED DEQ HOWEVER CITY RECORDERS CONVERSATION WITH CONNIE AT DEQ STATES OTHERWISE.
* MR GUSTAFSON WANTS TO KNOW HOW THEY CAN GET IT APPROVED TONIGHT. MAYOR TIPPET SAYS IF ITS OK WITH DEQ IT IS OK WITH US AND SUGGEST THAT THEY CONTACT DEQ FIRST THING IN THE MORNING.
* MAYOR TIPPET ASKS FOR A MOTION TO APPROVE PERMIT WITH THE CONDITIONS THAT THEY WILL GET APPROVAL FROM DEQ IN THE MORNING AND THAT THEY WILL SIGN AN ADDENDUM STATING THEY WILL NEVER ADD ANOTHER KITCHEN OR USE EITHER STRUCTURE AS A SECOND DWELLING. COUNCILMAN MITCHELL SHELTON MAKES MOTION HUB APRIL SECONDED IT.

**MEETING ADJOURNED 9:45 PM**

**APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ MAYOR**

**ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CITY RECORDER**

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**