

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, February 27, 2018, in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon.

PRESENT: Mayor, Mark Crenshaw; Councilors Kara McDaniel, Robert Stott, Jack Sumner, John Gambee, Dale Rowe, and Bill DiMarco; City Administrator, Jason Knope; City Attorney; Rebekah Dohrman; Public Works Director, Gary Kaping; City Planner, Jordan Cogburn; and City Recorder, Kitty Vodrup.

1. Call to Order and Pledge of Allegiance

Mayor Crenshaw called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

2. Changes to the Agenda.

None.

3. Surcharge for Recycling

Director Kaping stated that new recycling tipping fees were creating an extra \$30,000 annual expense to the City, and he reviewed the concept of adding a surcharge to cover these costs. Public Works staff had found surcharge fee examples from the cities of Ashland and Sherwood. Surcharge options for Junction City could include: Option A: \$1.15 per month for residential only, or Option B: \$1.07 per month for residential and commercial.

Director Kaping noted that the City was required to provide recycling, as the population was over 4,000. Residents were not required to recycle, and items in the recycle bins were still being recycled, except for plastic, which had been banned. Director Kaping stated it would be illegal for the City to place any material that was in a recycle bin into the garbage, and the City would always follow the rules set by the state.

It was noted that the City would be doing a rate study, and Administrator Knope stated that it would be helpful to have all surcharges listed out separately instead of being combined into rates, as it was more transparent and easier to track.

The Council consensus was for staff to pursue Option B. This would be brought back to the Council for public comment and approval.

4. Boarding, Lodging, and Rooming House Discussion

Planner Cogburn reviewed that a public hearing was held to consider two code amendments to change the boarding house definition and allow boarding houses as a conditional use in the Central Commercial (C2) zone at the February 13, 2018 Council meeting. The ordinance to allow these amendments was also read in full. At that meeting, the Council requested having additional discussion on February 27th. He provided copies of the draft January 17, 2018 Planning Commission minutes, where the Planning Commission made recommendations to the Council. He noted that he had provided examples from other cities to the Planning Commission based on notes that he had, but no document was provided.

Councilor Gambee recused himself and left the meeting.

Mayor Crenshaw noted that the City needed a clear and simple definition for boarding houses, as well as deliberation on the regulation of boarding houses, and he initiated discussion, which included:

- Concerns were expressed with individuals purchasing property that was not zoned for what they wanted to do and then trying to fix that with a code text amendment for that property, without first taking a comprehensive look at the impacts and other considerations for the whole community.
- The current Boarding House was in existence before the C2 zone was created and was formally the Cumberland Presbyterian Church. When the C2 zone was created, it did not include boarding houses as an allowed use. It was questioned whether the forefathers might have left boarding houses out of the code by omission or by design.
- It was being proposed that boarding houses be allowed as a conditional use in the C2 zone, but it would be beneficial to take a more comprehensive look at where boarding houses should be allowed within the whole City.

- Some examples of boarding house definitions were provided by Mayor Crenshaw and Planner Cogburn.
- It would be important to answer the question of whether boarding houses were considered commercial or residential.
- It was noted that residential was allowed in the C2 zone in the 2nd story above a business. Also noted was there were different types of commercial zones and it could be important to examine the intent behind the different commercial zones.
- The current boarding house was a pre-existing non-conformance and could continue in perpetuity, as long as no changes were made to the building. It was non-conforming for two reasons:
 - There were 20 to 22 people living in it and did not meet the City's current code definition of a boarding house with 5 to 10 people.
 - Boarding houses were currently not allowed in the C2 zone or in any zone in the City.
- If the Council approved the Planning Commission's recommended definition from Lincoln City, that would remove the 10 person cap and bring the current boarding house into compliance for that issue, but would not address boarding houses not being an allowed use.
- Mr. Corey Walker, applicant, stated that their initial code text amendment was to address the new boarding house that they wanted to create and to also fix the code so the current boarding house was in compliance; this could be done by fixing the definition of boarding houses to allow more than 10 and by allowing boarding houses as a conditional use in the C2 zone. He added that he had residential rentals in the C2 zone and if the building looked like a house, they were hoping to operate it as a house or boarding house for people to live in.
- In response to how many houses were in the C2 zone, Mr. Walker responded 11 or 12, but that amount was questioned, as the boundaries of C2 might encompass more houses than that.
- Concerns were expressed on the potential number of boarding houses there could be in the C2 zone and the impacts to parking, etc.
- It was noted that there were different parking requirements, based on the use type, such as for commercial or residential.
- The boundary of the C2 zone was in the general area of Front to Holly Streets and from 4th to 10th Streets, but that would need to be confirmed.
- It was noted that there was an active complaint against the current boarding house that was being addressed by the building official and per state building code regulations, which was a separate issue from changing the definition to allow more than 10 people.
- Reference was made to subletting a room in a single family residential home and whether that was a legal use. Planner Cogburn responded that the City did not prohibit subletting of rooms in a private home and defining boarding houses as multiple rooms or a minimum number of individuals would help in separating private home use from boarding houses.
- It was asked if there was a legal definition for residents and guests. Attorney Dohrman responded that to her is sounded like residents was more of a permanent situation, whereas a guest sounded like something where a transient lodging tax might apply. Planner Cogburn added this is where the Lincoln City definition would come into play, with the final line reading "5 or more people that are not temporary occupants."
- Planner Cogburn noted that transient would be something like an Air B and B rental and a temporary would be something like a hotel. Something not temporary would be some sort lease or agreement for month to month operation or something along those lines.

- It was noted that Eugene was looking at applying transient lodging tax to Air B and B establishments, so it would be important to define transient. Attorney Dohrman added that the City might want to define what temporary means.
- Changing only the definition to remove the 10 person cap would not allow the applicant to move forward with making a boarding house at 5th and Holly, as it would still not be an allowed use; however, the applicant could use that building as currently zoned with a business downstairs and a residence upstairs, per specific regulations on separate entrances, etc. being done.
- Planner Cogburn clarified that changing the definition would allow the current boarding house to be in compliance on the number of individuals, but it would still be a non-conforming use, as boarding houses were not allowed as a conditional use in C2. The number of individuals that would actually be able to live there and where they could habitate on the property would be determined by the building official and state building codes.

The Council consensus was to split the proposed code amendments and handle them separately.

Staff would prepare a draft ordinance for the March 12th meeting that only amended the definition of a boarding house, using the Lincoln City definition: "Boarding, Lodging, and Rooming Houses meant a building or portion thereof, other than a hotel, where meals and/or lodging were provided for compensation, for five or more persons that were not temporary occupants."

Staff would then do research and bring back for Council discussion:

- Examples of boarding house code from other comparable cities.
- Where the boundaries of the C2 zone were located.
- A strategic opinion on what zones would best fit boarding houses in Junction City going forward.

5. Other Business

Mayor Crenshaw shared that Judge Wiese would be attending the March 1st Finance and Judiciary Committee meeting to talk about some programs she would like to get started in Junction City. He requested that Council members use the phrase "point of order" when they wanted to point out that he was making a mistake, as there was a difference between interrupting to add a comment and interrupting to note an error in protocol.

Councilor Sumner added that it would be helpful for Council members to not repeat points, for more timely discussions. He added that he attended the Ophelia's Place open house and it was a good event.

Councilor DiMarco noted that what they were requesting staff bring to back tonight involved a whole different set of preparation and research and he commended staff for their work on this.

6. Adjournment

As there was no further business, the meeting was adjourned at 8:37 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Mark Crenshaw, Mayor