

MINUTES

**CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
SPECIAL MEETING
WEDNESDAY, 11:30 A.M., APRIL 11, 2007**

CALLED TO ORDER BY MAYOR POPOFF AT 11:30 A.M. :

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor Karl Popoff	<u> X </u>	<u> </u>
Council Position #1 Sue Johnson	<u> X </u>	<u> </u>
Council Position #2 Don Flynn	<u> X </u>	<u> </u>
Council Position #3 VACANT	<u> X </u>	<u> </u>
Council Position #4 VACANT	<u> X </u>	<u> </u>
Council Position #5 David Alexander	<u> X </u>	<u> </u>
Planning Director David Pratt	<u> X </u>	<u> </u>
County Counsel Jerry Herbage	<u> X </u>	<u> </u>

Attending by telephone was John Upshur and his attorney Isa Taylor. Audience members were Pete and Jill Peters.

****NOTE:** Comments and participation from the audience shall be limited to 5 minutes without redundancy.

SPECIAL ORDERS OF BUSINESS:

David Pratt announced: The council will reconsider its decision on the appeal of a Planning Commission Denial of a Conditional Use Permit (GBA 0601) request to authorize an existing single-family dwelling as a vacation rental dwelling on a parcel zoned Residential (1-R) and designated as Curry County Assessor Map # 36-14-31BB.

Pratt explained there are three options, including, but not limited to:

1. A "de-novo" public hearing (the hearing record is reopened and anyone can enter new evidence into the record) and argument is allowed: or
2. Argue "on the record" (the hearing record is not reopened: no new evidence is submitted into the record

and final arguments only are presented by those who have prior standing: or

3. A revised (reconsidered) decision "on the record" is approved at a public meeting (no final arguments are presented or new evidence is submitted into the record.

Each option was discussed and public input was asked for. Pete Peters (from the audience) said he prefers option 3.

Ms. Taylor said she and her client preferred Option #2 and said the evidence supports Option #2. They would allow extension of time for the deadline by 60 days.

Mr. Upshur said that until now, council has not represented him and now that he is, he feels his attorney should be able to offer a final argument for him.

The council asked questions and discussed their understanding of the options and both Herbage and Pratt answered their questions.

Following discussion, Johnson asked Mr. Pratt was his recommendation would be and if he thought Option #2 would help us along with a LUBA appeal.

Pratt said "yes, he thought it would", and after consideration, he thinks Option #2 would be good.

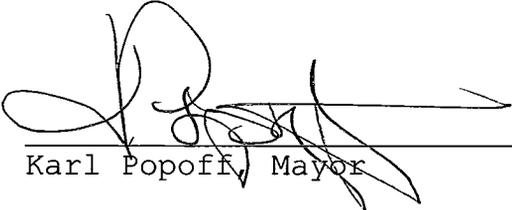
Further discussion ensued by all parties.

MOTION: Alexander moved that the Council approves Option #2, to argue on the record, the hearing record is not reopened, no new evidence is submitted into the record and written final arguments only are presented by those who have prior standing, that argument needs to be presented to the City Council no later than April 27 and the council will reconsider their decision on GBC-0601 at a special meeting on May 10, 2007, second by Flynn. Johnson, Flynn and Alexander voted "AYE".
VOTE 3 AYES 2 VACANT

ADJOURNED at 12:15 P.M.

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call (541) 247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of Discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9419

Passed by the Gold Beach City Council on May 14, 2007.



Karl Popoff, Mayor

ATTEST:



Shirley Walker, Recorder