

**March 8, 2017
Public Hearing
City of Gaston**

PUBLIC HEARING

Council: Mayor Tony **Hall**, Jerry **Spaulding**, David **Meeker**, Rod **Hale**, Don **Richter**, and Bill **Martin**, and Chris **Jeffries**.

Absent: None

Staff: City Recorder Wenonah **Blanchette**, Public Works Director Brent **Whittaker** via telephone conference, City Clerk Sharon **Bregante-Candau**, Washington County Deputy Bobby **Wormington**.

Mayor Tony **Hall** called the public hearing to order at 7:00 PM. Recorder **Blanchette** conducted the roll call

PRESENT:

Councilor David **Meeker**: present

Councilor **Martin**: present

Mayor Tony **Hall**: present

Councilor Chris **Jeffries**: present

Councilor Don **Richter**: present

Councilor Rod **Hale**: present

PUBLIC HEARING: GASTON HEIGHTS PHASE 2-EXTENSION REQUEST:

Mayor Hall read the conduct of hearing format into the record.

• **Hearing Disclosure Statement:**

Mayor **Hall**: At this time, I'd like to ask the Council, is there any declaration of conflict of interest? Let the record reflect at this time there are not conflicts of interest. Any ex parte communication with the application from the Council? I do have to disclose I met with the application about a month ago and he indicated that he would be applying for this extension. Are there any council members here that has any personal bias? Let the record reflect there are none. All right at this time, we will issue the staff report. We currently don't have the planner here however, the staff report-

• **Staff Report**

Mayor **Hall**: Has everyone here had an opportunity to review the staff report?

Councilor **Martin**: Not thoroughly.

Mayor **Hall**: It's just a two year extension for the-? I'll just read it real quick: "the application requests to extend the City approval of the 34 lot preliminary subdivision plan for 2 years from its original approval date on February 11, 2015." This is simply an approval to extend

that. The chair would accept a motion at this time. If you look on the second page down, suggested under decision for suggested motions.

Councilor **Richter**: I have a question first- out of these 34 houses, how many houses have been built up there?

Mayor **Hall**: This is phase 2 I believe.

Recorder **Blanchette**: That is correct.

Councilor **Richter**: and they haven't built a house on this yet?

Mayor **Hall**: No. Any further questions?

Councilor **Hale**: Questions regarding this?

Mayor **Hall**: Regarding this extension?

Councilor **Hale**: We agreed to this, like when it says in particular, on page two-here where it says "maintenance of Trail Street fire access road will be provided by the home owners association?" I mean we are agreeing?"

Councilor **Richter**: I think we already changed that once didn't we, the homeowners part of it.

Recorder **Blanchette**: So what this is is something that has been previously approved.

Councilor **Hale**: There is no HOA.

Recorder **Blanchette**: Right, we're not in this phase yet that's the whole thing. We're still in phase one, so it needs to be outlined at least in there.

Councilor **Martin**: So they want to have an extension on phase 2?

Recorder **Blanchette**: Correct, yes, because they're given a deadline or else they'll have to resubmit everything for the 34 lots. So what this is, so they're not having to have another geological survey, engineering and stuff; an extension to continue this.

Councilor **Martin**: Phase one was how many lots?

Recorder **Blanchette**: Eight. They're still working on those.

Mayor **Hall**: Yeah this is just an extension that we've already approved.

Councilor **Richter**: I move that we go ahead and approve this extension.

Mayor **Hall**: I think we have to follow some; I got out of order here. Before we ask for this approval; we need to back up and I apologize to the Council. We have to follow these procedures.

- **Applicant's Report:**

Mayor **Hall**: Is the applicant here tonight? Let the record reflect the applicant is not here tonight.

- **Proponents:** Is there any proponents? No proponents.

- **Opponents:** Any opponents: the Chair recognizes Dale Smith:

Dale **Smith**: I live at 1404 Crescent Forest Grove is my actual address. I have property at Salter and 6th Street, which this development will adjoin. The phase one they still has 3 lots to sell. They are having trouble selling them and they're having to build their own houses up there. There's not too many outside building taking on. My question is there any provision in this that we don't get stuck with a ghost development if they start putting in roads and things like that since they've taken, this is what-year ten since they started this process. There has been several Councils, several Mayors since this whole process started back in 2005 or 2006, when they first started subdividing this. So is there any provision in this as they keep extending this is a long time, but if they do start this we don't get stuck with property up

there. Like Bend got stuck with a lot of property that didn't get developed. They went out and developed the roads and did all this subdivision and then the developers walked away from it. Has there been any kind of backlash, protection for the city if he does that?

Mayor **Hall**: Without having a planner here, I can't answer that question.

Dale **Smith**: Yeah anyway, that would be my biggest question, my objection to this. I just don't want to see the city get stuck- this has what, 2 years more than he's had to sell those lots up there and he still has three more to go were no closer to phase two as we were two years ago. I don't see the point. To keep extending this out. You're going to do what you're going to do. I don't see the point of it.

Councilor **Spaulding**: Isn't that basically private property? If he walks away, it's still his private property.

Dale **Smith**: He does not own that yet. It's owned by an LLC and the Mace family still owns it. The developer does not own the property. Taxes are still being paid by the Mace family under an LLC; It's Mace McDonald LLC is how they have it registered. So he can walk away from it being an LLC. Its limited liability, so he could just walk away from it.

- **Additional Comments:**

Mayor **Hall**: Any additional comments from the Council? The Chair recognizes Councilor **Martin**.

Councilor **Martin**: Are they going to, if they go into phase two, are they going to push the road through to everything before they start building again up there? Or like, how's that going to work, like he said (Smith) if they go in and push that road up there and nobody builds up there, are we just going to have a road up there for nothing?

Mayor **Hall**: As they way that I understood it, when I talked with the applicant -my disclosure statement of my ex-parte contact. This application is a requirement for extension so he can continue development. He's currently built 4/5 homes out there.

Dale **Smith**: There's five built out of eight

Mayor **Hall**: Five out of the eight, so this would be a normal procedure for preparing the next development phase. Typically, a developer will develop ahead a number of houses that is being built at this time and currently he's not here to speak.

Councilor **Richter**: My question is when is he going to start building the road up there? Instead of brining everything down Church street?

Councilor **Spaulding**: Just say he pulls out. What difference does it make to the City here? It's all private property. It's not like it's all the City.

Mayor **Hall**: That would be an issue between the entities involved.

Councilor **Spaulding**: We really shouldn't be involved in property rates.

Mayor **Hall**: I think that's a good summation.

- **Applicant's Rebuttal:**

Mayor **Hall**: Moving on to the Applicant's Rebuttal, and the applicant's not present for rebuttal. No further questions.

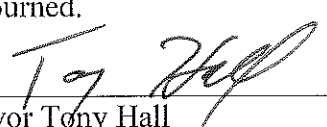
- **Closure Hearing:**

Mayor **Hall**: This hearing is now closed at 7:13 pm. Now we'll enter into deliberation.

• **Deliberation**

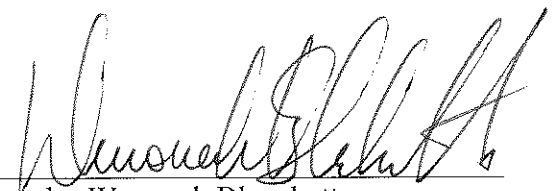
Discussion heard amongst the Council regarding the applicant's absence for deliberation. Councilor **Hale** motioned to "continue the public hearing until the applicant can be present to participate actively in the decision." Motion seconded by Councilor **Richter**. Motion carried with aye voters heard from, **Martin, Hale, Richter, Meeker, Jeffries, and Spaulding**. Nay: **Hall**.

ADJOURNMENT: Mayor **Hall** called this hearing officially closed at 7:18PM. Meeting adjourned.



Mayor Tony Hall

Attest:



City Recorder Wenonah Blanchette