



**Planning Commission Minutes
Willamette Activity Center Room 8
October 21, 2014
7:00 P.M.**

1.0 Open Meeting

7:15 P.M.

Commissioners Present

George Custer, Chairperson
Keith Brown, Vice Chair (absent)
Amy Kordosky
Matt Altemus
Teresa Freborg (absent)
James Affa
Gary Carl

Staff Present

Louis Gomez, City Administrator
Jackie Taylor, Assistant Planner

2.0 Citizen Input

Nancy Kelly – She hasn't seen much change in Mr. Volpe's actions; he is still there all hours of the night, in and out. He is not supposed to be there and he is a nuisance.

Commissioner Kordosky asked Ms. Kelly what exactly Mr. Volpe is doing to disturb her?

Ms. Kelly said he is still running as a business and coming and going all night. He has had numerous cars there.

Commissioner Kordosky said he is allowed to work on his personal vehicles there.

Commissioner Custer said the Commission revoked his Conditional Use Permit so at this point it becomes a civil matter.

Louis said he will check in with the Chief of Police, he has passed on her concerns and he asked them to check in on the place.

Commissioner Custer said it is out of our hands now.

Commissioner Altemus said he is allowed to come and go on his own property.

Ms. Kelly said this needs to stop and this is harassment.

3.0 Consider Approval of Minutes

Motion: Commissioner Carl moved to approve the minutes from the August 19, 2014 meeting. Commissioner Kordosky seconded the motion.

G. Custer (Aye), M. Altemus (Aye), J. Affa (Aye), G. Carl (Aye), A. Kordosky (Aye). Motion carried 5-0

4.0 Action/Discussion Items

4.1 Conditional Use Permit for Randy Dreiling and property owner the City of Oakridge 21-35-22-20 01400, 00600 and 00300

a) Conflicts of Interest/Exparte Contacts

Commissioner Affa said he has had citizens contact him regarding this property.

Commissioner Custer asked him if he believes this information will cloud his judgement?

Commissioner Affa said no.

Commissioner Altemus said he also has had contact with the same people regarding the property.

Commissioner Custer said he understands that Commissioner Altemus made an offer on this property.

Commissioner Altemus said yes he did but, it won't effect his position on the use of the property.

Commissioner Custer said so he feels perfectly capable of performing his duties?

Commissioner Altemus said yes.

Commissioner Custer said he thinks there are some more personal issues beyond his exparte contact with other individuals and that is well known. It would be in the best interest of the commission if he recuse himself.

Commissioner Carl said given the public comments that Commissioner Altemus has made about his interest in purchasing the property could be a basis for appeal of the

decision of the commissioner, should it go against Mr. Dreiling. By not recusing himself he puts the commission in the position of undercutting or giving the applicant a basis for appeal.

Commissioner Altemus said he is fine with recusing himself from this. He will abstain from voting on this matter.

b) Staff Report

Louis read the Staff Report and went over the comprehensive plan.

Mr. Dreiling has stated he has been renting this property since July. His ultimate goal is to use it primarily for tent camping, vehicle dry camping and those types of things. This is not an allowable use in light industrial.

Open Public Hearing at 7:29 P.M.

c) Statements in Favor

Randy Dreiling said he would like to use the land as a campground just for his clients, not the general public. The property is under water half the year. He doesn't plan to put permanent structures down there. He plans to have porta potties down there and they said they would pump the gray water when they are there changing the portable toilets.

d) Statements in Opposition

None

e) Statements in General

Sandy Edds said she is not sure that Randy Dreiling as a leasee can even come before the commission and ask for the rezone; that would be the City of Oakridge's responsibility since they are the property owners.

Louis said we are listed on there as the property owners. The City does want those pieces of property listed as open space.

Commissioner Custer said there are two parties involved.

Ms. Edds said the changes are basically already done and when the city was asked about it they said they didn't know. Now she hears from Mr. Dreiling that they did know.

Louis said he did say that once Mr. Dreiling rented the property he could go in and do some brush work.

Ms. Edds asked if this goes in Mr. Dreiling's favor can a citizen appeal the decision?

Louis said he would have to check because this is a two step process, after the Commission this will go to the City Council.

Ms. Edds said her problem is that they have watershed council and every kind of environmental impact groups and if it comes down to it who are they going to sue? They are going to sue the city.

Commissioner Carl asked about egress from the property, if there was an emergency there is no way out of the property under consideration. There is one road in and if that road is blocked if someone needed an ambulance there is no way in. Greenwaters Park is a different situation; it doesn't flood every year like this property does. When people go camping they leave behind cans, bottles and aluminum foil that will all get washed down the river.

f) Close Public Hearing – 7:40 P.M.

g) Commission Discussion

Commissioner Kordosky said if he is going to be a responsible owner of a campground he would have places to contain the garbage.

Commissioner Carl asked how enforcement is going to take place. This isn't going to be subject to oversight so how is enforcement going to take place?

Commissioner Custer said Mr. Dreiling is the lease holder, he will be responsible, if the EPA goes down there or any citizen goes down there and see's anything like trash floating down the river or any other misuse of the property they can call the EPA and he will have to report to them.

Commissioner Custer said at this point we are putting the cart before the horse; we are only looking at reasons to approve or not approve this rezoning.

Commissioner Carl said to take Mr. Dreiling out of the picture completely and say we are considering rezoning this to a different kind of use called Parks, Recreation and Open Space District. The purpose of this district is to ensure that land for park and recreation use is developed to serve its intended use while not disrupting nearby land uses. It is also to guide recreational development, ensure adequate standards for development and preservation of park, recreation and open space uses.

If our purpose is to enhance vital natural resources in a flood plain that is already very fragile, having anybody, is going to put pressure on that property that he is uncomfortable as a commissioner approving that.

Commissioner Custer asked if we are talking about not rezoning it to open space or are we talking about the lease?

Commissioner Carl said we are talking about not rezoning it to open space, take Mr. Dreiling out of it.

Commissioner Custer said so it stays the way it is.

Commissioner Carl said yes, it stays the way it is; light industrial.

Commissioner Custer asked what that would do?

Commissioner Carl said nothing; it's just going to sit there, is that so bad.

Commissioner Altemus said the property is used a lot, a lot of people fish down there. That pump house is still there. The area that we are talking about flooding is down farther and it really doesn't flood that much. What he has heard tonight is that this is public property and that it is an asset to the community.

Commissioner Carl said on page 30 of our zoning code it talks about flood plain subdistricts which this is. Once an area is considered a flood plain district then all sorts of other things come in to play, with good reason. His concern is the fragile nature of the property in question, it has nothing to do with Mr. Dreiling, and it has to do with the land.

Commissioner Custer said that it's going to flood whether somebody is there or not so, how does that come into the argument?

Commissioner Carl said because once people are there they leave things behind and those things get washed down into the river.

Mr. Dreiling said that property used to be a transient camp and he had to go down there all the time and clean it up.

Commissioner Kordosky asked if this is rezoned, if he wants to put in a campground doesn't he have to come before the Planning Commission with his plans?

Commissioner Custer said he has a number of agencies that will override anything that we do here.

Commissioner Kordosky asked Mr. Dreiling if he has already gone to the other agencies and spoke with them.

Mr. Dreiling said he made calls to them and they left a voicemail that said it comes back to the City.

Louis said because it is in the City limits the usage falls back on us for zoning and for everything, toilets, gray water etc...

Mr. Dreiling has to come to us with his plan and show us what he is going to do with gray water and all of those types of issues.

Commissioner Affa asked if Mr. Dreiling is going to try to make money off of this property.

Mr. Dreiling said yes, it is going to be an add on to what he already does.

Commissioner Affa asked Mr. Dreiling if he has his BIN numbers yet since that will put him in to the lodge tax.

Mr. Dreiling said he is not using the land in that way right now.

Commissioner Affa said it won't cost him to get the BIN numbers for each property and he can download them on line. He would like to see the numbers himself. The Department of Revenue said he has to have a BIN number for each property.

Commissioner Custer asked Louis if we can do a little research on that to see if we need to make this a condition.

Commissioner Affa said unless we are turning the property into a park the Comp Plan does not apply. This is going to be private property.

Louis said it is the City's Park, Recreation and Open Space policy, it covers all three.

Commissioner Affa asked what happens if Mr. Dreiling decides not to take up this option at the end of the year.

Louis said it would still be Parks, Recreation and Open Space.

Commissioner Carl asked what if the City is joining Mr. Dreiling on this application and there is in fact a fee of \$26,000 to have a campground authorized by the State?

Louis said the city is not opening up a campground; the city is zoning Parks, Recreation and Open Space. If Mr. Dreiling wants to do the campground then he has to pay the \$26,000.

The next step here is if the Planning Commission approves this, then it will go to the City Council for approval.

There was a letter from Tim Rice in opposition of the rezone. Commissioner Custer read the letter out loud.

h) Finding of Fact

Commissioner Custer read the Findings of Fact.

As condition number seven the Commission wants a 75 ft buffer zone from the center of the river and under riparian rules he will have to go back in there with native type vegetation along the river.

Commissioner Carl requests condition number eight that there be another means of egress from the campsite and that he maintains that property.

i) Commission Action

Motion: Commissioner Kordosky moved that after completing the finding of fact, the Planning Commission recommends to the City Council that a zone change from I-1 to PRO be granted for Assessors Map 21-35-22-20 Tax lot 00600, 01400 and 00300. Seconded by Commissioner Carl.

G. Custer (Aye), G. Carl (Aye), A. Kordosky (Aye), J. Affa (Nay). Motion failed 3-1

Commissioner Affa said he is not against this; he just doesn't want the City to be placed in a situation it has been in. He asked Louis if the city is willing to get the BIN numbers.

Louis said no, it's not the city that wants to put in a campground.

Commissioner Carl said it is the state that wants a BIN (Business Identification Number) and that is for payroll tax. He doesn't have a different BIN number for each property; it has nothing to do with property it has to do with payroll.

Commissioner Affa said they had to do this for the lawn mower races when he spoke to the Department of Revenue. It is not for payroll tax, it is for lodging tax.

Motion: Commissioner Carl moved that we reconsider the vote until next month so Mr. Dreiling can bring in BIN numbers. Commissioner Affa seconded the motion.

A. Kordosky (Aye), G. Custer (Aye), J. Affa (Aye), G. Carl (Aye). Motion carried 4-0.

Louis said the BIN number is a unique separate number that you need to get for the State Lodging Tax.

5.0 Positive Comments and Constructive Input

None

6.0 Announcements

None

Meeting Adjourned

Chair Custer adjourned the meeting at 8:30 p.m.

Signed:

George Custer Chairman Date

Attest:

Susan LaDuke, City Recorder Date