

**Pacific City/Woods Community Planning Advisory Committee
(PC/W CPAC)**

LAND USE PLANNING COMMITTEE (LUPC)

**Minutes of the LUPC Meeting on May 3, 2012, 6:00 pm
Kiawanda Community Center, 34600 Cape Kiwanda Drive
Pacific City, Oregon**

FINAL VERSION -- 5-22-12

The meeting was called to order at 6:00 pm by the Committee Chair, Sean Carlton. Also in attendance were Committee members Ilean Rouse, Larry Rouse, David Yamamoto, and Bud Miller. Three other CPAC members were also present and participated in the discussion. The meeting was held to discuss Variance Request V-12-01 for tax lot 10000 in Pacific City Heights, also known as 35410 Salal Lane, Pacific City. The request is to reduce the street-side yard setback from 15 feet to 5 feet to allow construction of deck and stairway to allow access to the front door of the residence.

Howard Goodman, the current contractor, was present and gave a history of the construction of the building. Work was essentially complete when someone from Tillamook County Public Works noticed that the subject stairway would invade the area of the setback and reported it to the Department of Community Development. After several months of discussion and preparation of paperwork, the final version of request V-12-01 was submitted on April 25, 2012. Research of the project revealed that the original site plan prepared by the original contractor's architects was submitted with a significant error in scale of the drawing. This resulted in the present situation. Throughout the construction and inspection process, no one had noticed the result that there was no room to construct the stairway for the front door access.

Attendees asked questions of Mr. Goodman and made comments based on their observations and knowledge of existing County ordinances. Everyone was sympathetic to the building's owners situation, and the possible negative effects of having the Variance Request granted were discussed. Most of these were addressed in the Request itself. The most significant issue was whether the requirements of Section 8.030 VARIANCE CRITERIA of the County ordinance were met. Part (4) states that a variance can only be granted if there are no reasonable alternatives, and several such options were suggested. This made it difficult to conclude that the PC/W CPAC should support the request. Also part of the discussion was the apparent failure of the County inspectors to recognize the problem at any time before or during construction. It was stated that similar errors have been observed on several other construction projects in the Pacific City – Woods area over the last few years. Their culpability in not having the mistake corrected in a timely manner argues strongly against penalizing the property owners at this late date by our opposing the request.

As a result of this discussion, a motion was made and seconded as follows:

"The Land Use Planning Committee moves that the PC/W CPAC should take no position, neither supporting or opposing Variance Request V-12-01."

After a brief discussion, this motion was approved by a show of hands of LUPC members, with five votes in favor, none against, and no abstentions. Meeting was adjourned at 6:58 pm.

For further information contact Sean Carlton – LUPC Chair
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