

## Cheryl Lund

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**From:** connellpc@comcast.net  
**Sent:** Tuesday, March 30, 2021 1:42 PM  
**To:** 'JOHN BANTA'; 'Cheryl Lund'; 'Cheryl Lund'  
**Cc:** Chad Sweet  
**Subject:** Banta Partition 2nd continuance request

John & Jo Banta,

Thank you for your correspondence requesting a second continuance of your partition application hearing until May 13, 2021. We understand the complexities of reaching consensus with multiple property owners.

But the City is now facing a legal deadline issue. Under state and city law, your application is required to result in a final city decision within 120 days of its being deemed complete. This includes the possibility of an appeal to the City Council of the pending Planning Commission decision. A final decision of your application is currently due by June 1, 2021. The loss of 60 days due to two continuances now makes it impossible for the City to meet the legal deadline.

Your legal remedy is to “waive” the 120-day decision requirement, which is not uncommon. This can be a simple written statement signed by the owners (or their representative). You can decide to waive the 120-day requirement indefinitely, or to a date certain such as August 1, which is 60 days from the original decision deadline of June 1, 2021, or longer.

Please feel free to contact me with any questions.

We’d appreciate your decision by Thursday of this week so we know how to proceed and can inform the Commissioners.

Sincerely,  
Carole Connell, AICP  
Gearhart City Planner

**From:** JOHN BANTA <bantajob@yahoo.com>  
**Sent:** Tuesday, March 30, 2021 12:50 PM  
**To:** Cheryl Lund <planning@ci.gearhart.or.us>; Cheryl Lund <planning@cityofgearhart.com>; Carole Connell <connellpc@comcast.net>  
**Subject:** Meeting

Good afternoon,

The Banta family would like to request a one month extension for the planned April 8 meeting. We are still in the review process with all siblings and their input. Please confirm and let us know new date for May meeting.

Thank you again for your help and patience.

John & Jo Banta

## Cheryl Lund

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**From:** JOHN BANTA <bantajob@yahoo.com> on behalf of JOHN BANTA  
**Sent:** Tuesday, March 30, 2021 3:49 PM  
**To:** Cheryl Lund; Cheryl Lund; Carole Connell  
**Subject:** Banta property

Good afternoon,

In our request for continuance we ask to waive the running of 120-day clock for both the time spent in the previous requested continuance (28 days) and the current requested continuance (35 days) for a total of 63 days waived.

March 11, 2021 to April 8, 2021: 28 days  
April 8, 2021 to May 13, 2021: 35 days

Thank you sincerely

John & Jo Banta

[Sent from Yahoo Mail on Android](#)