



NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

Date of this Decision: November 13, 2019

File Number: EXT-19-008

Applicants: William and Margit Howell

Account Number: 7501000

Map Number: 26S1433CC-00100/200/300/400/500/600

Property Owner: WILLIAM K. & MARGIT L.S.HOWELL TRST
HOWELL, WILLIAM & MARGIT, TRUSTEES
16100 RAMSEY RD
WHITE CITY, OR 97503-9560

Situs Address:

Acreage: 1.36 Acres

Zoning: FOREST (F)

Special Considerations: FOREST MIXED USE (MU)

Proposal: Request for Planning Director Approval for an extension to a conditional use approval pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) § 5.2.600 Expiration and Extension of Conditional Uses.

Decision: This request meets the criteria and is subject to the conditions of the original application. Approval is based on findings and facts represented in the staff report.

This notice is to serve as public notice and decision notice and if you have received this notice by mail it is because you are a participant, adjacent property owner, special district, agency with interest, or person with interest in regard to the following land use application. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx> . The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The telephone number where more information can be obtained is (541) 396-7770.

Authorized by: *Jill Rolfe* Date: November 13, 2019
Jill Rolfe, Planning Director

EXHIBITS

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit B: Staff Report

EXHIBIT "B"
Staff Report

File Number: EXT-19-008
Applicants: William and Margit Howell
Account Number: 7501000
Map Number: 26S1433CC-00100/200/300/400/500/600

Property Owner: WILLIAM K. & MARGIT L.S.HOWELL TRST
HOWELL, WILLIAM & MARGIT, TRUSTEES
16100 RAMSEY RD
WHITE CITY, OR 97503-9560

Situs Address: None

Acreage: 1.36 Acres

Zoning: FOREST (F)

Special Considerations: FOREST MIXED USE (MU))

Reviewing Staff: Jill Rolfe, Planning Director
Date of Report: November 13, 2019

I. PROPOSAL

Request for Planning Director Approval for an extension to a conditional use approval pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) § 5.2.600 Expiration and Extension of Conditional Uses.

II. DEEMED COMPLETE

Planning staff has reviewed the submitted extension of a conditional use application and deemed it complete as of September 25, 2019.

III. APPROVAL CRITERIA & FINDINGS OF FACT

Any conditional use not initiated within the time frame set forth in subsection (3) of this section may be granted an extension provided that an applicant has made a request and provided the appropriate fee for an extension prior to the expiration of the conditional use permit approval. Such request shall be considered an Administrative Action and shall be submitted to the Director.

1. *Extensions on Farm and Forest (Resource) Zoned Property shall comply with OAR 660-033-0140 Permit Expiration Dates which states:*
 - a. *Except as provided for in subsection (e) of this section, a discretionary decision, except for a land division, made after the effective date of this section approving a proposed development on agricultural or forest land outside an urban growth boundary is void two years from the date of the final decision if the development action is not initiated in that period.*
 - b. *Coos County may grant one extension period of up to 12 months if:*

- i. An applicant makes a written request for an extension of the development approval period;
 - ii. The request is submitted to the county prior to the expiration of the approval period;
 - iii. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
 - iv. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- c. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.
 - d. If a permit is approved for a proposed residential development on agricultural or forest land outside of an urban growth boundary, the permit shall be valid for four years. An extension of a permit described in subsection (e) of this section shall be valid for two years.
 - e. For the purposes of subsection (e) of this section, "residential development" only includes the dwellings provided for under in the EFU and Forest zones in Chapter 4.
 - f. Extension requests do not apply to temporary use permits, compliance determinations or zoning compliance letters.

FINDING: The original conditional use permit was authorized valid on August 16, 2005 under file number ACU-05-44. This application was extended as follows:

- **First Extension - August 16, 2009 to August 16, 2011.**
- **Second Extension - August 16, 2011 to August 16, 2013**
- **Third Extension – August 16, 2013 to August 16, 2015**
- **Forth Extension - August 16, 2015 to August 16, 2017**
- **Fifth Extension – August 16, 2017 to August 16, 2019**

The applicants have submitted a written request for an extension prior to the expiration date of the conditional use to site a Forest Template Dwelling. The applicants have provided an acceptable reason for why they were unable to complete this project within the time frame. Therefore, this criterion has been addressed. However, there has been a change in law regarding the number of extensions that can be granted. Therefore, going forward the applicant can only be granted one year additional extensions for up to five extensions.

2. *Extensions on all non-resource zoned property shall be governed by the following.*
 - a. *The Director shall grant an extension of up to two (2) years so long as the use is still listed as a conditional use under current zoning regulations.*
 - b. *If use or development under the permit has not begun within two (2) years of the date of approval and an extension has not been requested prior to the expiration of the conditional use then that conditional use is deemed to be invalid and a new application is required.*
 - c. *If an extension is granted, the conditional use will remain valid for the additional two years from the date of the original expiration.*

FINDING: This criterion is not applicable because the requested dwelling is located within a resource zone.

3. *Time frames for conditional uses and extensions are as follows:*

- a. *All conditional uses within non-resource zones are valid four (4) years from the date of approval; and*
- b. *All conditional uses for dwellings within resource zones outside of the urban growth boundary or urban unincorporated community are valid four (4) years from the date of approval.*
- c. *All non-residential conditional uses within resource zones are valid (2) years from the date of approval.*
- d. *For purposes of this section, the date of approval is the date the appeal period has expired and no appeals have been filed, or all appeals have been exhausted and final judgments are effective.*
- e. *Additional extensions may be applied.*

FINDING: The initial conditional use was valid for (4) four years. The applicant was unable to complete the project and has applied for an extension as allowed by this subsection for an additional two (2) years. This is a request for an additional extension.

Pursuant to ORS 215.416 Additional extension requests may approve but no more than five additional one-year extensions shall be allowed. Therefore the county is only permitted to grant five (5) one year extensions. If the application goes beyond this time frame it is void. Staff is considering this the first of the five (5) additional extensions that can be allowed under the new statutory requirements. This is also not viewed as a land use decision by the ORS so there is no appeal period or notice requirements.

If the applicants intend to continue to apply for extension the last possible extension would expire on **August 16, 2024. This application has been extended to **August 16, 2020**.**

IV. DECISION:

There is evidence to support the request for an extension in the Forest Mixed Use zone. There for extension of the approval timeline has been granted until **August 16, 2020**.