

PERMIT EXTENSION APPLICATION  
COOS COUNTY PLANNING DEPARTMENT

COMPLETED BY STAFF

Received By: <u>Jill</u> Date Submitted: <u>5/29/16</u> Application No.: <u>Ext-19-006</u> Fee: <b>\$561.00</b> Fee Paid: <u>561.00</u> Receipt No.: <u>209941</u>	STAFF NOTES:
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Please type or clearly print all of the requested information below. Please be sure to include any supplemental application for if required.

I. APPLICANT

Name: FRED MESSERLE & SONS, INC.

II. OWNER(S) - Same as applicant

Name: FRED MESSERLE & SONS, INC.

Mailing Address: 94881 STOCK SLOUGH LN  
COOS BAY, OR 97420

Mailing Address 94881 STOCK SLOUGH LN  
COOS BAY, OR 97420

Daytime Phone 541-267-2997

Daytime Phone: 541-267-2997

Email: fredm@uci.net

Email: fredm@uci.net

III. PROPERTY -

Township:      Range:      Section:      ¼ Section:      1/16 Section:      Tax lot:  
 26S              13W              27              0              0              1700 (1701, 1702)  
 Zone: Forest Mixed Use                      Application Number: ACU-15-10

IV. Criteria For and Extension:

Please read the criteria and answer the questions that follow.

**SECTION 5.2.600 EXPIRATION AND EXTENSION OF CONDITIONAL USES**

1. Permit Expiration Dates for all Conditional Use Approvals and Extensions :
  - a. On lands zoned Exclusive Farm, Forest and Forest Mixed Use:
    - (1) Except as provided for in section (5) of this rule, a discretionary decision, except for a land division, made after the effective date of this division approving a proposed development on agricultural or forest land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto is void two years from the date of the final decision if the development action is not initiated in that period.
    - (2) A county may grant one extension period of up to 12 months if:
      - (a) An applicant makes a written request for an extension of the development approval period;
      - (b) The request is submitted to the county prior to the expiration of the approval period;
      - (c) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

- (d) The county determines that the applicant was unable to begin or continue development during the approval period<sup>1</sup> for reasons for which the applicant was not responsible.

Coos County has and will continue to accept reasons for which the applicant was not responsible as, but limited too, financial hardship, death or owner, transfer of property, unable to complete conditions of approval and projects that require additional permits. The County's Ordinance does not control other permitting agency processes and the County shall only consider if the applicant has requested other permits as a valid reason and to show they are attempting to satisfy conditions of approval. This is a different standard than actually showing compliance with conditions of approval. This also, does not account for other permits that may be required outside of the land use process.

- (3) Approval of an extension granted under this rule is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
- (4) Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.
- (5) (a) 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.  
(b) An extension of a permit described in subsection (5)(a) of this rule shall be valid for two years.
- (6) For the purposes of section (5) of this rule, "residential development" only includes the dwellings provided for under ORS 215.213(3) and (4), 215.284, 215.705(1) to (3), 215.720, 215.740, 215.750 and 215.755(1) and (3).
- (7) There are no limit on the number of extensions that can be applied for unless this ordinance otherwise allows.

b. On lands not zoned Exclusive Farm, Forest and Forest Mixed Use:

- (1) All conditional uses for residential development including overlays shall not expire once they have received approval.
- (2) All conditional uses for non residential development including overlays shall be valid for period of four (4) years from the date of final approval.
- (3) Extension Requests:
- a. For all conditional uses subject to an expiration date of four (4) years are eligible for extensions so long as the property has not been:
- i. Reconfigured through a property line adjustment or land division; and
- ii. Rezoned to another zoning district.
- (4) An extension shall be applied for on an official Coos County Planning Department Extension Request Form with the fee.
- (5) An extension shall be received prior the expiration date of the conditional use or the prior extension.
2. Changes or amendments to areas subject to natural hazards<sup>2</sup> do not void the original authorization for a use or uses, as they do not determine if a use can or cannot be sited, but how it can be sited with the least amount of risk possible. Overlays and Special Development Considerations may have to be addressed to ensure the use can be sited with an acceptable level risk as established by Coos County.

**Please Answer the following question to determine if your application qualifies for an extension.**

1. Is your property zoned? Forest or Farm Zoned  Yes or  No.

<sup>1</sup> The approval period is the time period the original application was valid or the extension is valid. If multiple extensions have been filed the decision maker may only consider the time period that the current extension is valid. Prior approval periods shall not be considered. For example, if this is the third extension request up for review the information provided during the period within last extension time frame shall be considered and not the overall time the application has been approved. This prevents a collateral attack on the original authorization.

<sup>2</sup> Natural hazards are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

2. What is the expiration date of your conditional use August 20, 2019. The expiration date is calculated from the appeal date of your last decision. Staff can assist you if you are unable to locate the date.
3. What is the reason that you require the extension:  
Examples include but not limited to: financial hardship, death or owner, transfer of property, unable to complete conditions of approval and projects that require additional permits.
- The local market for undeveloped rural buildable lots has been quite slow in recent years due to slow demand, availability of other more attractive properties, and cautious buyers. We need more time to expose this property to the market now that other lots in the Wall Ridge Subdivision have been developed and homes built. It would be a financial hardship to sell this property without being able to recover our base development costs.
4. Have you changed the configuration of the property since the final approval? If the approval was for a land division this does not apply and please answer N/A.  Yes,  No or  Not applicable.
5. Have you rezoned the property since the final approval?  Yes or  No

V. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. If needed please attach information to show you have met the criteria.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.

Fred Messerle & Sons, Inc  
Fred R. Messerle, Sec-Treas.