

## ATTACHMENT D – STAFF REPORT

**File Number:** PLAEXT-16-10-0004

**Applicant/Owner:** Maurice Rahming and Alida O’Neill

**Request:** Extension of time for a Conditional Use Permit to construct a single family dwelling not provided in conjunction with agricultural use on a 24-acre parcel in the Exclusive Farm Use (EFU) zone.

**Decision:** Approval, with conditions

**Decision Date:** October 26, 2016

**Appeal Deadline:** November 7, 2016

**Location:** The subject parcel is located south of Dufur Valley Road, approximately 1.4 miles west of its intersection with Wolf Run Road, approximately 9 miles southwest of Dufur, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
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**Zoning:** A-1(160), Exclusive Farm Use Zone

The subject parcel is also located within the EPD-8, Sensitive Wildlife Habitat Overlay Zone (Big Game Winter Range).

**Past Actions:** CUP-07-110, PLAEXT-10-01-0001 (for CUP-07-110), and PLAADD-AA-10-0016

**Procedure Type:** Administrative Action

**Prepared By:** Dawn Baird, Associate Planner

## I. APPLICABLE STANDARDS

### Wasco County Land Use & Development Ordinance (LUDO)

#### A. Chapter 2 – Development Approval Procedures

Section 2.125, Tim Limits for Permits and Extensions of Time

## II. BACKGROUND

- A. Legal Parcel:** The subject parcel is identified Parcel 2 of MIP-79-210, recorded with the Wasco County Clerk's office on December 31, 1979. It is consistent with the Wasco County Land Use and Development Ordinance definition of legal parcel because it was created as part of a duly recorded plat.
- B. Site Description:** The subject parcel lies south of Dufur Valley Road. The subject parcel contains northeast-facing slopes averaging 1-5%. According to Wasco County Assessor records, the subject parcel is vacant. Land lying along Dufur Valley Road is moderately wooded with trees, however the eastern 250' (approximate) is lightly wooded with trees. According to Wasco County's GIS mapping system, the property contains a natural grass cover. (This information provided by Assessor records and GIS.)
- C. Surrounding Land Use:** All surrounding properties are located in the A-1(160), Exclusive Farm Use Zone. Surrounding uses are: north, residential; east, farm; south, government ownership (U.S.A.), and west, forest. Properties to the east contain northeast-facing slopes averaging 5%. Properties to the south contain north-facing slopes exceeding 25%. Properties to the west contain slopes ranging from approximately 6-24%, while properties north of Dufur Valley Road contain northeast-facing slopes ranging from 11-27%. Ramsey Creek flows through property to the south, while Wolf Run Ditch is located on property to the west. There are several man-made ponds approximately 0.3 mile northwest of the subject parcel. Steep south-facing slopes and seasonal drainageways contain heavy tree cover. There are trees on all properties except those areas in farm use.

## III. FINDINGS:

### Chapter 2, Development Approval Procedures

#### *Section 2.125 - Time Limits for Permits and Extensions of Time*

- A. *Time Limits for Permits: A permit will become invalid without special action if:*
1. *Development has not commenced within two (2) years of the date of approval;*

**FINDING:** The original Conditional Use Permit for a nonfarm dwelling was approved on October 16, 2014. The appeal period ended at 4 p.m. on October 28, 2014. October 29, 2016, began the two year approval period. As of the writing of this report (October 27, 2016), development has not commenced therefore the request complies with Criterion 1.

2. *The use approved is discontinued for any reason for one (1) continuous year or more.*

**FINDING:** The use, construction of a 3,000 square foot nonfarm dwelling, did not begin within the two year approval period. No discontinuation occurred because the use never began. The request complies with Criterion 2.

B. *Extension of Time Request: If an extension of time is required, the holder of the approved permit must file an application which will be processed as an administrative action. A one-time extension may be granted for a maximum of two (2) years. Extensions shall be granted only upon findings that:*

**FINDING:** The owners submitted an application for an extension of time and it is being processed as an administrative action. A **condition** of approval is included in the Notice of Decision advising the owner that this is a one-time extension and is granted for two years. With the proposed condition of approval, the request complies with Criterion B.

1. *Request for an extension of time has been made prior to expiration of the approved permit.*

**FINDING:** The original Conditional Use Permit expires on October 29, 2016. The request for an extension of time was submitted to the Planning Department on October 7, 2016, prior to the expiration of the Conditional Use Permit. The request complies with Criterion 1.

2. *There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.*

**FINDING:** No changes to Oregon State law or Wasco County's Land Use & Development Ordinance has occurred since the approval of the Conditional Use Permit, therefore no changes to the proposed conditions is required. In addition, the proposed development has not changed since the approval. A **condition** of approval is included in the staff report stating that all original conditions of approval continue to apply to this approval. With this condition of approval the request complies with Criterion 2.

3. *The applicant has provided reasons that prevented the applicant from beginning or continuing development within the approval period.*

**FINDING:** The application states: *"Due to the size in construction in the area, coordination with the architect and structural has been somewhat delayed and the plans are not quite ready to submit for building permit"*. Staff readily admits that working with construction specialists often delays construction. The owners had no control over the delays involved with the architect and structural engineer, and finds the request complies with Criterion 3.