

Chapter 220
PERMIT EXPIRATION DATES AND EXTENSIONS

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220.01 Establishment. Any questions of whether an action that was approved through this Ordinance is considered established, and no longer in need of an extension, shall be decided by the Planning Commission using a Type III procedure. The decision shall be based on whether, in the opinion of the Planning Commission, the applicant/property owners have made satisfactory progress and established the use. This will be based on review of relevant conditions of approval and other facts the Planning Commission determines to be relevant.

220.02 Farm and Forest Land Extensions. The following permit expiration dates and extensions shall apply in the Exclusive Farm Use and Timber Grazing zones:

- A. A discretionary decision, except for land divisions and those residential developments listed in Section 220.02(B) is void two years from the date of the final decision if the development action is not initiated in that period.
 - 1. An extension of two years may be granted if:
 - a. The applicant makes a written request for 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 for reasons for which the applicant was not responsible.
 - 2. Approval of an extension granted under this provision is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
 - 3. Changes to the code impacting life, safety or sanitation since the original decision was authorized shall be accounted for in the decision for an extension request permitted under Section 220.01(A).
 - 4. Applications for an extension shall be processed as a Type I procedure as set forth in Section 115.04 of this Ordinance unless the decision maker expressly requires the extension to be processed under Type III procedure.
- B. Permits approved for a proposed residential development on resource land outside of an urban growth boundary shall be valid for four years. An extension of two years may be granted subject to the provisions of 220.01(A).
 - 1. For the purpose of this Section, "*residential development*" only includes:

- a. Alteration, restoration or replacement of a dwelling,
 - b. Non-farm dwellings,
 - c. Lot-of-Record dwellings,
 - d. Forest management dwellings,
 - e. Alternative forest dwellings approved under the provisions of ORS 215.750, or
 - f. Caretaker residences in the Timber Grazing Zone.
2. No more than five (5) additional one-year extensions of a permit for a proposed residential development on resource land outside of an urban growth boundary may be issued if:
 - a. The applicant makes a written request for the additional extension prior to the expiration of an extension;
 - b. The applicable residential development statute has not been amended following the approval of the permit; and
 - c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.
 3. Approval of an extension granted under this provision is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
 4. Changes to the code impacting life, safety or sanitation since the original decision was authorized shall be accounted for in the decision for an extension request permitted under Section 220.01(A).
 5. Applications for an extension shall be processed as a Type I procedure as set forth in Section 115.04 of this Ordinance unless the decision maker expressly requires the extension to be processed under Type III procedure.

220.03 Property Line Adjustment Extensions. Upon written request by the applicant and payment of the required fee, the Planning Director shall grant an extension of the approval period not to exceed one year by means of a Type I procedure as governed by Chapter 115, providing that:

- A. No changes are made on the original plan as approved by the Planning Director.
- B. The applicant can show intent to record the approved line adjustment within the one-year extension period; and
- C. There have been no changes made to the Code impacting life, safety or sanitation issues that were not accounted for in the decision.

220.04 Subdivision Extensions

- A. First extension. Upon written request by the applicant and payment of the required fee, the Planning Director may grant an extension of the approval period not to exceed one year provided by means of a Type I procedure, as governed by Section 115.04, provided that:
 1. No changes are made on the approved final plat as approved by the Planning Director.
 2. The applicant can show intent to record the approved subdivision within the one-year extension period; and

3. There have been no changes made to the Code impacting life, safety or sanitation issues that were not accounted for in the decision.
- B. Second extension. Upon written request by the applicant and payment of the required fee, the Planning Director may grant a second extension of the approval period not to exceed one year by means of a Type II procedure, as governed by Section 115.05, provided that the applicant is in compliance with the same requirements as contained in subsection (A) above.

220.05 Other Permit Expiration Dates and Extensions. For all permits not in the Farm or Forest Zones, the following permit expiration dates shall apply:

- A. Permits which have special conditions relating to expiration and/or renewal attached to them shall expire one year after the date conditioned in the approval.
1. If the conditions of approval are not fulfilled within the life of the permit, the permit holder may request a one-year extension of the permit from the Planning Director subject to the following requirements:
 - a. The request is made by filing a request for an extension on forms provided by the Baker County Planning Department together with an application fee;
 - b. The request is made before the original permit or any subsequent extension expires;
 - c. There have been no changes made to the Code impacting life, safety or sanitation issues that were not accounted for in the decision and no change in the circumstances, criteria or standards used to support the original approval or subsequent extension;
 - d. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
 - e. 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.
 2. Applications for an extension shall be processed as a Type I procedure as set forth in Section 115.06 of this Ordinance unless the decision maker expressly requires the extension to be processed under a Type III procedure.