

CITY OF MADRAS
Request for Planning Commission Action

Date Submitted: October 23, 2009
Agenda Date Requested: November 4, 2009
To: Madras Planning Commission
From: Nick Snead, Community Development Director NS⁵
Subject: **Appeal of Park Place Subdivision Extension Request (AP-09-1).**

TYPE OF ACTION REQUESTED: (Check One)

Formal Action/Motion **No Action - Report Only**
 Other

OVERVIEW:

On September 9, 2009 the City of Madras via the City Attorney, formally denied the Park Place Subdivision Phase 2 & 3 Extension request (EX-09-1) due to the fact that Section 8-11.1.(B)(2) does not allow more than one extension request. The applicant, Joel Gisler, has appealed the Administrative decision that denied the request for extension. Per Section 8-8.9.21, the applicant may appeal the decision to the Madras Planning Commission. As such, staff has scheduled a public hearing to hear the applicant's appeal of EX-09-1. The Planning Commission shall hold a de novo (i.e. allow new evidence and testimony to be presented) in accordance with Section 8-12.9.23—Hearing on Appeal.

STAFF ANALYSIS:

Extension Requests:

Extension request may be granted by the Community Development Director if there is "good cause" as demonstrated that "delay is unavoidable and was not the result of the applicant's own negligence" (8-11.4.1(B)(2). Furthermore, Section 8-11.4.1(B)(2) states that, "the Community Development Director may grant an [emphasis added] extension up to six months from the date of expiration".

M-07-5—Modification of Conditions:

On July 30, 2007 the Madras Planning Commission approved the Modification of Conditions request from Joel Gisler (applicant) for Park Place Phases 2 & 3. This decision modified Condition of

Approval #2 and allowed the applicant to plat Phases 2 & 3 of the Park Place subdivision by July 30, 2008. The applicant was not able to comply with the July 30, 2008 deadline to plat the subdivision.

EX-08-1—Extension:

In response to the applicant not being able to comply with the final plat deadline of M-07-5, the applicant submitted an Extension application (EX-08-1) on July 10, 2008 to the Community Development Department requesting a two-year extension to plat Phases 2 & 3 of the Park Place subdivision. The stated that the,

“extension request is necessitated by delays associated with obtaining approval from the Oregon Department of Transportation (ODOT) and City Engineering Department”.

On July 22, 2008, the City granted approved for a six-month extension to plat Phases 2 & 3 and allowed in Section 8-11.4.1(B)(2).

EX-09-1—Extension:

On January 16, 2009 the applicant submitted a second Extension request (EX-09-1) to the Community Development Department which requested extension of the Park Place Phases 2 & 3 expiration date because the applicant was,

“unable to get my construction plans reviewed and approved because the city now demands sewer infrastructure improvements that were not the subject of my approval decision. As a result, it is impossible for me to file the plat within the required time period.”

On September 9, 2009 the applicant's request was denied (via the letter from the City Attorney) on the basis that the Park Place subdivision Phases 2 & 3 expired six months after the July 22, 2008 (or January 22, 2009). The applicant's request for Extension was denied because Section 8-11.1.(B)(2) does not allow more than one extension request.

RECOMMENDATION:

Due to the limitations in Section 8-11.4.1(B)(2) that do not allow the more than one Extension request to be granted, staff recommends:

The Planning Commission uphold the City's September 9, 2009 decision that denied the applicant's Extension request (EX-09-1).