



MULTNOMAH COUNTY

LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190TH Avenue Portland, OR 97233

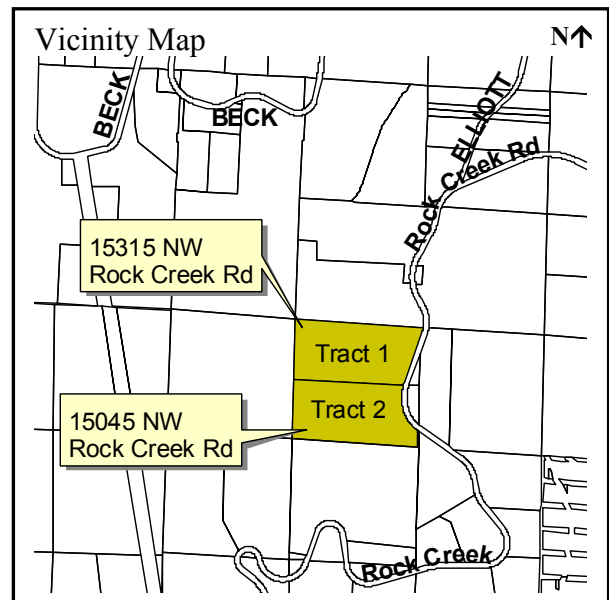
PH: 503-988-3043 FAX: 503-988-3389

<http://www.co.multnomah.or.us/landuse>

Time Extension

This document concerns a Planning Director Decision on the extension request described below.

Case File: T1-06-023
Permit: Time Extension
Location: 15315 & 15045 NW Rock Creek Road
TL 200 & 300, Sec 26B, T 2N, R 2W,
W.M.
Tax Account #R972260290 &
R972260280
Applicant: Remi Baptiste
Black Helterline, LLP
Owners: Tract 1: Gary & Donna Kuntz
Tract 2: Vickie Coghill
Base Zone: Commercial Forest Use – 2 (CFU-2)
Overlay Zones Significant Environmental Concern for
Wildlife Habitat (SEC-h) and Hillside
Development and Erosion Control
(HDP)



Summary: The applicant has requested a time extension on Property Line Adjustment, T2-03-043 to transfer improvements and buildings from Tract 2 to Tract 1 in the Commercial Forest Use - 2 zoning district.

Decision: **Time Extension approved** for one (1) year; Case T2-03-043 will expire March 29, 2007.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, March 29, 2006

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0690 Expiration And Extension Of A Type II Or Type III Decision in EFU and CFU Zones.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse>.

Scope of Approval

1. Pursuant to MCC 37.0690 this time extension and Case T2-03-043 approval expires on March 29, 2007, one (1) year from the date the current decision for Case T2-03-043 would have expired, if the development has not been initiated.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold font**. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 ***Administration and Procedures***

1.01 **Proof of Ownership**

MCC 37.0550 Initiation of Action

Except as provided in MCC 37.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissiongbers, Planning Commission, or Planning Director.

Staff: The proposed project is located on Tax Lot 200 & 300, Section 26B, Township: 2 North, Range: 2 West. Assessment & Taxation records show that Tract 1 is owned by Gary & Donna Kuntz. Tract 2 is owned by Vickie Coghill. Gary Kuntz and Mrs. Coghill’s attorney has signed the General Application Form (Exhibit A.1 & A.3). *This criterion has been met.*

1.02 **MCC 37.0560 Code Compliance And Applications.**

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: There are no known violations on the site.

2.00 ***Time Extension Criteria***

2.01 **MCC 37.0690 Expiration And Extension Of A Type II Or Type III Decision in EFU and CFU Zones.**

(A) Except for approval of residential developments as specified in (B) below, a Type

II or III decision approving development on land zoned for Exclusive Farm Use or Commercial Forest Use outside of 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. The Planning Director may grant one extension period of up to 12 months if:

Staff: Property Line Adjustment, T2-03-043 became effective March 24, 2004 and will expire on March 24, 2006 unless an extension is granted.

2.02

- (1) An applicant makes a written request for an extension of the development approval period;**
- (2) The request is submitted to the county prior to the expiration of the approval period;**
- (3) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and**
- (4) 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.**
- (5) Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.**
- (6) Additional one year extensions may be authorized where applicable criteria for the decision have not changed.**

Staff: Remi Baptiste, Black Helterline, LLP has made application for a time extension for T2-03-043. Application T2-03-043 for a property line adjustment was approved on March 24, 2004. The request for extension was submitted to the County on February 21, 2006. The applicant has submitted a written request for an extension which states the reasons why the property line adjustment has not been able to be completed (Exhibit A.2). Staff agrees that the recordation of new deeds to complete the property line adjustment within the time period was held up due to outside difficulties. This application has been processed as a Type I decision and is not subject to appeal as a land use decision. No changes have been made to the property line adjustment criteria listed under Chapter 33 since the approval of the property line adjustment, T2-03-043. *These criteria have been met.*

3.00

Conclusion: Based on the findings and other information provided above, the applicant has carried the burden necessary the granting of a one year extension of the property line adjustment approval contained in T2-03-043.

4.00

Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received
A.1	1	General Application Form	3/21/06
A.2	1	Narrative Statements	3/22/06
A.3	1	Letter of Authorization for Vickie Coghill	3/22/06
‘B’	#	Staff Exhibits	Date
B.1	1	A&T Property Records for TL 200, 2N2W26B	3/21/06
B.2	2	A&T Property Records for TL 300, 2N2W26B	3/24/06