

**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>

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

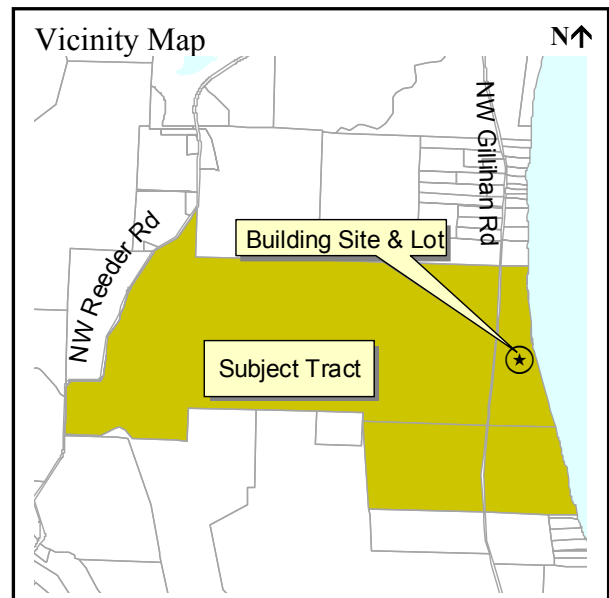
Case File: T1-06-053

Permit: Extention Of A Previously Issued Permit

Location: 21400 NW Reeder Road
TL 1200, Sec 11, T2N, R1W, W.M.
Tax Account #R97111-0020

Applicant: Tom Armstrong
Winterbrook Planning
310 SW Fourth Ave
Suite 1100
Portland, OR 97204

Owner: Jacobson Family Properties



Summary: The applicant is requesting a 1-year extension to Administrative Decision T2-04-028 for the placement of a farm help dwelling due to delays in the completion of geotechnical investigations and report for the development pad the dwelling is to be placed on.

Decision: Approved.

Approval of an extension to a previous permit on EFU zoned property 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

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, August 01, 2006

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043 extension 29270.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0690

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. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 37.0690, this extension of a land use permit expires twelve (12) months from the date the decision. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

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: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Applicant: One year request for land use approval T2-04-028 to allow for additional time to review grading and Erosion Control Permit to begin development of an accessory farm help dwelling on the Jacobson Family Properties farm on Sauvie Island.

Staff: The applicant is applying to extend the deadline of the above noted land use decision for a period of 12 months as allowed under MCC 37.0690.

2. **The Applicant Has Met the Extension Deadline**

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:

A. **(1) An applicant makes a written request for an extension of the development approval period;**

Applicant: A general application form signed by Larry Petersen, Treasurer of Jacobson Family Properties, is the written request for the extension.

Staff: Requests for extension came to the County first via email on June 7, 2006 and again on July 20, 2006.

Criterion met.

B. **(2) The request is submitted to the county prior to the expiration of the approval period;**

Applicant: The need for a time extension was made in Tom Armstrong's June 7 email as part of the GEC Permit. A second request was made in reply to Don Kienholz's July 20 Email.

Staff: The original permit would have expired on July 21, 2006 since the original permit became final on July 20, 2004. Requests by the applicant were timely.

Criterion met.

C. **(3) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and**

Applicant: The applicant is prepared to begin development pending approval of a GEC permit for fill to create a development pad for the dwelling. The reason for the delay in beginning the development was the geotechnical investigations to determine the stability of the development pad and the settlement of the base soils. These investigations, including borings, caused a delay in filing the grading permit, which has not left enough time for the County to complete the review of the GEC permit prior to the July 20 expiration date.

Staff: As noted above, the applicant has stated reasons for delay.

Criterion met.

- D. **(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.**

Applicant: The applicant was unable to begin development because of the unexpected time required to complete the geotechnical investigations of the fill removed for the development pad, which did not leave enough time for the County to complete the review of the GEC permit prior to the July 20 expiration date.

Staff: As stated by the applicant, the time needed for a geotechnical analysis of the borings, compaction, and stability took longer than expected and delayed the project. These are contracted services outside the direct control of the applicant. Therefore, the County finds the applicant is not responsible for the delays.

Criterion met.

- E. **(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.

Applicant: No additional extensions will be necessary, the applicant is prepared to begin grading work as soon as the GEC is approved.

Staff: The Planning Director has granted an extension of twelve (12) months to the permit. Any additional extensions must be applied for separately and may be authorized under MCC 37.0690(A)(6) providing the applicant meets the criteria.

Conclusion

Based on the findings and other information provided above, The Planning Director grants the applicant one twelve (12) month extension to permit T2-04-028. The extension shall begin July 21, 2006 and shall end on July 21, 2007.