



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: T1-09-003

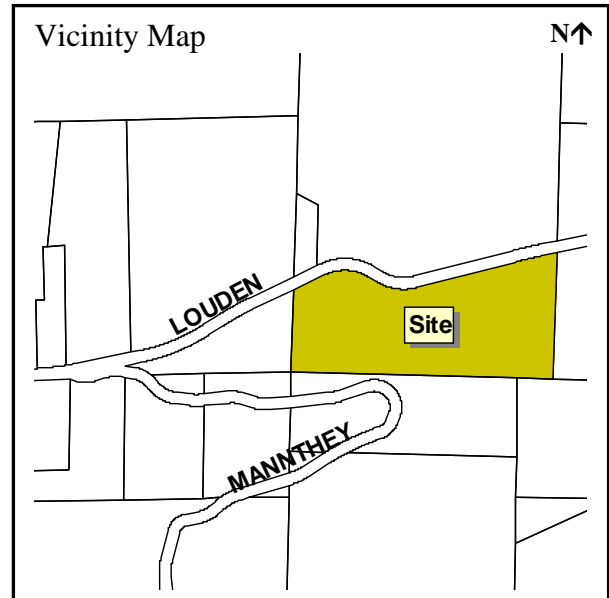
Permit: Time Extension

Location: 42690 SE Loudon Road
TL 300, Sec 05C, T 1S, R 5E, W.M.
Tax Account #R99505-0350

**Applicant/
Owner:** Troy & Alicia Belles

Base Zone: Commercial Forest Use – 4 (CFU-4)

Overlays: Policy 21, Hillside Development



Summary: The applicant is requesting a two year extension in order to begin the construction of a single family dwelling in the Commercial Forest Use – 4 (CFU-4) zone. On May 27, 2005 the County's Hearings Officer approved in T3-05-001 a conditional use permit for a heritage tract dwelling on the subject site. The applicant is requesting additional time to implement this land use permit.

Decision: The Planning Director grants the property owner/applicant a two year time extension of T3-05-001 to obtain the necessary permits to initiate construction of a single family dwelling on the subject property. T3-05-001 will expire on May 27, 2011 unless the development is initiated. No additional extensions are available for T3-05-001.

Approval of an extension to a previous permit on CFU zoned property is an administrative decision that 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: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, February 18, 2009

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 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 Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

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). It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff**. Staff comments may include a conclusionary statement in *italic*.

Project Description:

Staff: The applicants are applying to extend the deadline of their land use decision (T3-05-001) approving a heritage tract dwelling for a two year period as allowed pursuant to MCC 37.0690(C).

1.00 **§ 37.0690 EXPIRATION AND EXTENSION OF A TYPE II OR TYPE III DECISION IN EFU AND CFU ZONES.**

(B) A Type II or III decision approving residential development on land zoned for Exclusive Farm Use or Commercial Forest Use outside of an urban growth boundary is void four years from the date of the final decision if the development action is not initiated in that period.

(1) For the purposes of this section, the expiration dates in (B) and (C) shall also apply to all other Type II or III decisions associated with approval of the residential development, such as SEC or HDP permits.

(2) The provisions in (B) and (C) shall only apply to residential development for which a decision of approval:

(a) Was valid (not expired) on January 1, 2002, or

(b) Was issued after January 1, 2002 (the effective date of Senate Bill 724, 2001).

Staff: T3-05-001 was approval of a conditional use permit to establish a heritage tract dwelling on the subject property located at 42690 SE Loudon Road (1S5E05C -00300). T3-05-001 was approved by the County's hearings officer on May 27, 2005.

2.00 **(C) The Planning Director shall grant one extension period of 24 months for approvals of dwellings listed in (B) above if:**

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

Staff: The applicants have made a written request for a two year extension of the current land use permit, T3-05-001 (Exhibit 1). *This criterion has been met.*

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

Staff: The conditional use permit, T3-05-001 will expire on May 27, 2009 unless an extension is granted. The applicant submitted a request for extension on February 5, 2009 (Exhibit 1). *This criterion has been met.*

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

Staff: The applicant has indicated that due to economic conditions and architectural & engineering issues, the property owners have been delayed in beginning the development within the original approval period (Exhibit 2). *This criterion has been met.*

2.03 **(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.**

Staff: The current property owners, Troy & Alicia Belles purchased the property in April 2006. Economic conditions began to change in the last year which have made it difficult for the construction project. The applicants are not responsible for the current financial conditions. *This criterion has been met.*

2.04 **(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.**

Staff: This time extension has been processed via the County's Type 1 procedure and is not appealable.

3.00 ***Conclusion***

Based on the findings above, the Planning Director grants the applicants a two year time extension of T3-05-001 to obtain the necessary permits to initiate construction of a single family dwelling on the subject property. T3-05-001 will expire on May 27, 2011 unless the development is initiated. No additional extensions are available for T3-05-001.

4.00 ***Exhibits***

1. General Application Form
2. Letter addressing extension criteria
3. A&T Property Information for 1S5E05C - 00300