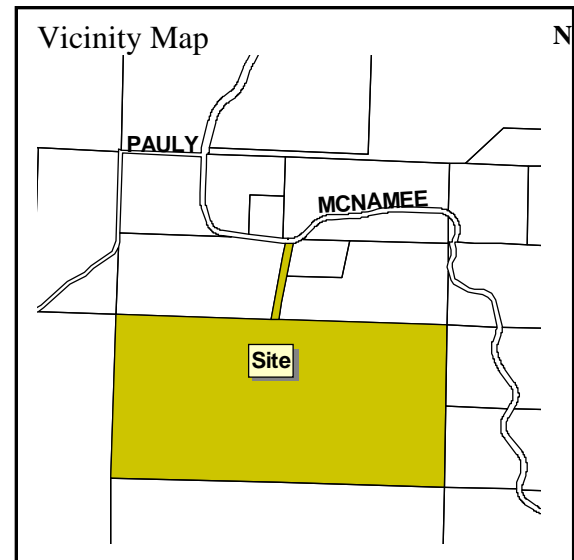




## NOTICE OF DECISION

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

**Case File:** T1-09-018  
**Permit:** Time Extension  
**Location:** 13231 NW McNamee Rd  
TL 600 & 900, Sec 32B,  
T2N, R1W, W.M.  
Tax Account #R97132-0060 &  
R97132-0050  
**Applicant:** James Hampton  
**Owners:** James Hampton & Ashley Roland  
**Base Zones:** Commercial Forest Use – 1 (CFU-1) &  
Commercial Forest Use – 2 (CFU-2)  
**Overlays:** Significant Environmental Concern for  
wildlife habitat (SEC-h) & streams  
(SEC-s) / Hillside Development (HD) & Protected Aggregate and Mineral Resources  
(PAM)



**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 – 1 (CFU-1) zone. On June 3, 2005 the Planning Director approved a Significant Environmental Concern permit (T2-04-109) for the construction of a replacement dwelling and various accessory structures on the subject site.

**Decision:** The Planning Director grants the property owner/applicant a two year time extension of T2-04-109 to obtain the necessary permits to initiate construction of the new single family dwelling & other improvements on the subject property. T2-04-109 will expire on June 3, 2011 unless the development is initiated. No additional extensions are available for T2-04-109.

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: Tuesday, June 30, 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 (MCC) 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.

### **Findings of Fact**

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

#### **1.00 Project Description:**

**Staff:** The applicant has applied to extend the deadline of their land use decision (T2-04-109) approving a replacement dwelling and accessory structures for a two year period as allowed pursuant to MCC 37.0690(C).

#### **2.00 Property Description & History:**

The subject property includes two tax lots: the 80-acre Tax Lot 900 and the 0.84-acre Tax Lot 600 in Township 2 North, Range 1 West, Section 32B, Willamette Meridian.

The subject property is located in the West Hills Rural Plan Area. The property is split zoned. Tax Lot 900 is zoned CFU-1 and Tax Lot 600 is zoned Commercial Forest Use – 2 (CFU-2). The property also has an overlay zone of SEC-h over the entire property, and overlay zones of SEC for streams (SEC-s), Hillside Development (HD) and Protected Aggregate and Mineral Resources (PAM) over portions of the property.

Most of the property has rolling topography and is forested with evergreen and deciduous trees. The center of the property is relatively flat pastureland that is mostly clear of trees. The property takes access off NW McNamee Road, and is currently developed with a driveway, mobile home, and four barn structures.

T2-04-109 approved replacing the existing mobile home with a stick built home over 200 feet from the existing mobile home. The new home will be on a part of the property with a base zone of Commercial Forest Use – 1 (CFU-1) and an overlay zone of Significant Environmental Concern for wildlife habitat (SEC-h). The existing dwelling and barns would be demolished. The applicant is proposing to build a dwelling, a new sanitary system, a swimming pool and a detached garage. The replacement dwelling would be accessed along the existing driveway that extends from NW McNamee Road to the existing barns.

### **3.00 Time Extension Criteria**

#### **3.01 § 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:** T2-04-109 approved the replacement dwelling and other improvements on the subject property located at 13231 NW McNamee Rd (2N1W32B – 00900 & 00600). T2-04-109 was approved by the Planning Director on June 3, 2005.

#### **3.02 (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 applicant has made a written request for a two year extension of the current land use permit, T2-04-109 (Exhibit 1 & 2). *This criterion has been met.*

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

**Staff:** The Significant Environmental Concern permit, T2-04-109 would have expired on June 3, 2009 unless an extension is granted. The applicant submitted a request for extension on May 22, 2009 (Exhibit 1). *This criterion has been met.*

#### **3.04 (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 architectural & financial changes, the property owners have been delayed in beginning the development within the original approval period (Exhibit 2). *This criterion has been met.*

#### **3.05 (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, James Hampton & Ashley Roland purchased the property

in June 2005. Due to delays in obtaining acceptable plans from the architect and economic the applicant was unable to begin the project. The applicant is not responsible for the current economic conditions. *This criterion has been met.*

**3.06 (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.

**4.00 Conclusion**

Based on the findings above, the Planning Director grants the property owners a two year time extension of T2-04-109 to obtain the necessary permits to initiate construction of a single family dwelling and other improvements on the subject property. T2-04-109 will expire on June 3, 2011 unless the development is initiated. No additional extensions are available for T2-04-109.

**5.00 Exhibits**

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T1-09-018 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	5/22/09
A.2	1	Narrative	5/22/09
A.3	2	Tax Information for 2N1W32B -00900	5/22/09