

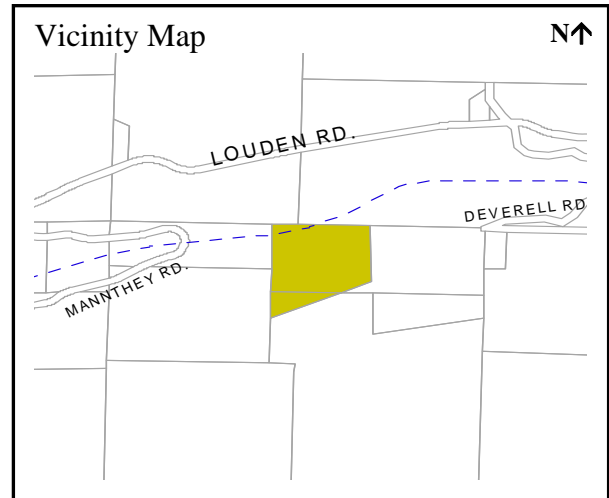


MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/landuse>

NOTICE OF DECISION

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

Case File: T1-09-044
Permit: Time Extension
Location: 43144 SE Deverell Road
Tax Lot 700 & 701, Section 08,
Township 1 South, Range 5 East, W.M.
(R995080310 & R995080300)
**Applicants/
Owners:** Lance & Cherry Houck
43144 SE Deverell Road
Corbett, OR 97019
Base Zone: Commercial Forest Use – 4 (CFU-4)



Summary: The applicant is requesting a second one-year extension to Case T2-06-065, an approval for the construction of a 24' by 36' accessory building in the Commercial Forest Use – 4 (CFU-4) Zone District which was issued for a two year period from December 26, 2006 to December 26, 2008, in which to obtain a building permit for the proposed structure to implement that approval. The T2-06-065 Permit was previously extended for one year through Time Extension Case T1-08-049.

Decision: The Planning Director grants the property owner/applicant a one year time extension of T2-06-065 to obtain the necessary permits to initiate construction of the accessory building on the subject property. The T2-06-065 Permit will expire on December 26, 2010 unless necessary permits to construct the building are obtained and development action has been initiated prior to that date. Additional extensions may be authorized only where applicable criteria for the decision have not changed [MCC 37.0690(A)(6)].

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: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, April 2, 2010

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 George A. Plummer, Staff Planner at 503-988-3043, ext. 29152

APPLICABLE APPROVAL CRITERIA: Multnomah County Code: 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

Approval of this land use permit is based on the submitted written narrative. 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 (MCC) 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*.

EXPIRATION AND EXTENSION OF A TYPE II OR TYPE III DECISION IN EFU AND CFU ZONES.

MCC 37.0690(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:

- (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: The subject property is located within the Commercial Forest Use – 4 (CFU-4) Zone District outside of the Urban Growth Boundary. Case T2-06-065 approved the construction of a 24' by 36' accessory building in the CFU-4 District with the requirement of obtaining a building permit. Case T2-06-065 was approved for two years with an expiration date of December 26, 2008 if a building permit was not obtained. A Time Extension T1-08-049 (Exhibit 4) was approved extending the expiration date to December 26, 2009. The applicants/property owners submitted an application request on December 24, 2009 to extend the approval period for Case T2-06-065. This application was submitted prior to its

expiration date established in Case T1-08-049. The applicant submittal (Exhibit 1) included reasons that prevented them from beginning the development within the approval period. They stated that due to trying to sell the property and being gone, they were out of state to care for a grand child and help their son build a dwelling as reasons for delaying obtaining a building permit. They have also had to put the project on hold to assist their son in financing his home and helping him build his house. They had decided to sell the property but due to the current economic downturn have been unable to find a buyer. The state of the economy has played a role in the marketing of properties and financing of development. The downturn of the economy has made it difficult to implement plans such as sales of property and financing development. These economic issues are beyond the control of individual property owners thus the applicants were not responsible for this delay. The one year extension may be authorized because applicable criteria for the decision have not changed and the applicant's have demonstrated that their application meets the criteria of this section for a time extension.

CONCLUSION

Based on the findings above, the Planning Director grants the applicant a second one-year time extension of Case T2-06-065 to obtain the necessary permits to initiate construction of the proposed structure on the subject property. T2-06-065 will expire on December 26, 2010 unless the development is initiated.

EXHIBITS

- Exhibit 1: Application Form (1 page)
- Exhibit 2: County Assessment Record (4 pages)
- Exhibit 3: Zoning Map (1 page)
- Exhibit 4: Case T1-08-049 (3 pages)