



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

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## NOTICE OF DECISION

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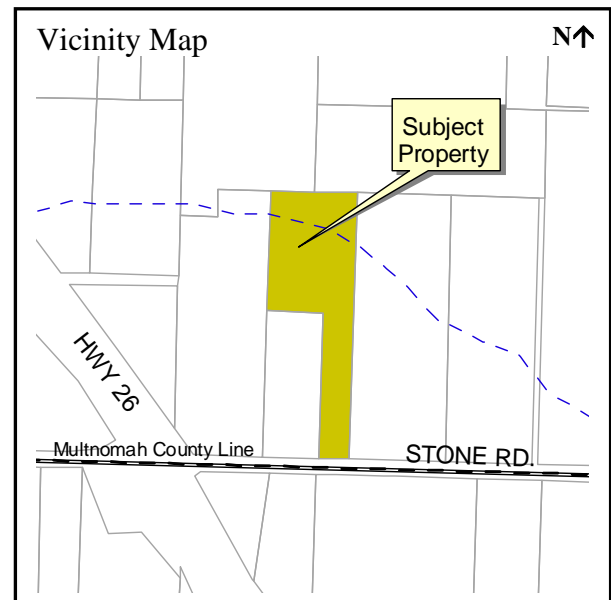
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-07-020

**Permit:** Time Extension

**Location:** 27427 Stone Road  
TL 1700, Sec 24D, T1S, R4E, W.M.  
Tax Account #R993240710

**Applicant/  
Owner:** John G. Nash  
PO Box 231  
Troutdale, OR 97060



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**Summary:** Request for a one year Time Extension for Case T2-04-069 which approved a Significant Environmental Concern for Water Resources (SEC-wr) and Habitat (SEC-h) Permit for a single family dwelling, a garage/hobby shop, a 2300 square foot accessory structure for storage of personal equipment, and a pump-house.

**Decision:** Approved a six month extension for Case T2-04-069.

Unless appealed, this decision is effective June 1, 2007, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday May 18, 2007

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

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is June 1, 2007 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): Multnomah County Code (MCC): Chapter 37 including MCC 37.0700: Expiration and Extension of Type II Case

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. This land use permit expires six months from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required.

#### **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.

**Note:** To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. At the end of the report, Exhibits are described. The applicant's submittal is included and made part of this decision as Exhibit 1...

1. **REQUEST FOR A TIME EXTENSION**

**Staff:** A one year time extension for Case T2-04-069 to obtain building permits for the approved development.

2. **TYPE II CASE PROCEDURES**

**MCC 37.0530 (B):** Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Land Use Board of Appeals (LUBA) within 21 days of when the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

**Staff:** Procedures outlined in MCC 37.0530 were followed in processing this case. An opportunity to appeal this case will be provided, if no appeal is filed the decision will become final 14 days after the date the decision is issued. The application was submitted February 22, 2007 and was deemed complete as of February 22, 2007.

An "Opportunity to Comment" notice was mailed on April 6, 2007 to all owners of property within 750 feet of the subject site. They were given a 14-day period to provide comments on the application (MCC Chapter 37). No comments were submitted.

3. **EXPIRATION AND EXTENSION OF TYPE II DECISION**

- 3.1. **MCC 37.0700 (C)** The Planning Director may extend, prior to its expiration, any approved decision for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II decision.

**Applicant:** *It has taken longer than we planned on for the design process with the architect.*

**Staff:** Case T2-04-069 expiration date was April 18, 2007 if building permits were not obtained by that date however the property applied for a time extension prior to this expiration. The applicant has provided an explanation of the reason why an extension of Case T2-04-069 is needed. Extension are limited to six months per review.

**3.2. MCC 37.0700 (D) Substantial implementation of a permit shall require at a minimum, for each six month extension, demonstrable evidence in a written application showing:**

- (1) The permit holder has applied for all necessary additional approvals or permits required as a condition of the land use or limited land use permit;**
- (2) Further commencement of the development authorized by the permit could not practicably have occurred for reasons beyond the reasonable control of the permit holder;**
- (3) The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition there under; and**
- (4) There have been no changes in circumstances or the law likely to necessitate significant modifications to the approval.**

**Applicant:** *It has taken longer than we planned on for the design process with the architect.*

**Staff:** The applicant has accomplished minor site preparation and has put substantial effort into the design of the proposed dwelling. Obtaining building permits could not occur due to issues with disagreements involving the design of the proposed dwelling. The extension has not been sought to avoid any responsibility imposed by this code or the permit or any condition there under. There have been no changes in circumstances or the law likely to necessitate significant modifications to the approval. The criteria are met.

**4. CONCLUSION**

The applicant has met the Multnomah County Code criteria for the granting of a six month extension to Case T2-04-069.

**5. EXHIBITS**

**5.1 Exhibits submitted by the Applicant:**

- Exhibit 1.1: Application form (1 page)  
Exhibit 1.2: Site Plan (1 page)

**5.2 Exhibits included by County:**

- Exhibit 2.1: County Assessment Record for the subject property (1 page)