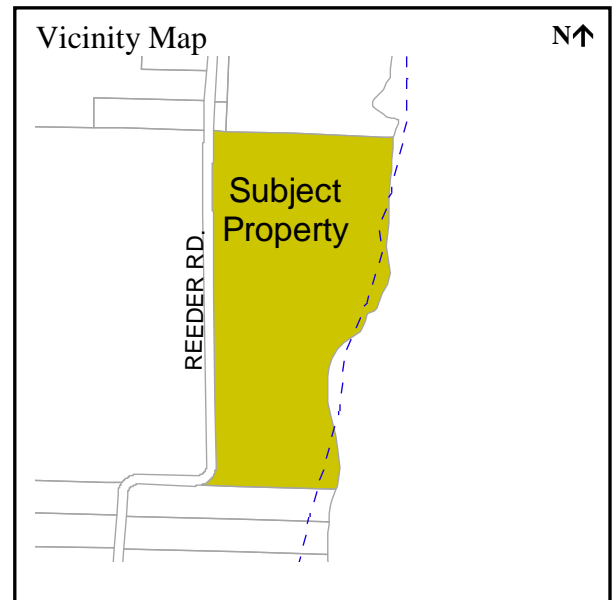


NOTICE OF DECISION

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

Case File: T2-2013-3053
Permit: Time Extension
Location: 27210 NW Reeder Road
TL 700, Sec 23, T3N, R1W, W.M.
Tax Account #R981230150
**Applicant/
Owner:** Dan O'Neill

Base Zone: Multiple Use Agriculture – 20
Overlays: Significant Environmental Concern
Permit – general (SEC-g); Flood Hazard



Summary: The applicant is requesting a time extension to a previous land use decision, T2-2011-1709.

Decision: Approved. A 12-month time extension is approved by the Planning Director, extending the expiration date of T2-2011-1709 to October 18, 2014.

Unless appealed, this decision is effective Friday, October 18, 2013, at 4:00 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Friday, October 4, 2013

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 Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

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 Friday, October 18, 2013 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0695 Extension of a Type II or III Decision.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

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 one year from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

Conditions of Approval

NOTE: ALL CONDITIONS OF APPROVAL FROM T2-2011-1709 ARE HEREBY ADOPTED FOR THIS TIME EXTENSION.

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

- 1. After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval with the County Recorder along with a copy of the landscaping plan (Exhibit 21 of T2-2011-1709). The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy filed with Land Use Planning. Recording shall be at the applicant's expense. [MCC 37.0670]**
- 2. Work shall not commence under this permit until the corresponding Grading and Erosion Control and Flood Plain Development Permit (T1-2011-1710) is issued [MCC 34.4555(I) and (J)].**
- 3. Prior to zoning sign-off for building permits for the replacement dwelling, the owner shall submit retroactive building permits for the well house located on the property [MCC 37.0560].**
- 4. Prior to zoning sign-off for building permits, the owner shall apply for and receive an Access Permit from the County Right-of-Way Specialist. For information on obtaining an Access Permit, please contact Alan Young at 503-988-3582 [MCRR 4.000].**
- 5. Prior to zoning sign-off for building permits, the owner shall submit an accurately scaled site plan showing the location of all structures on the property along with the distances from the structures to property lines labeled [MCC 34.0560].**
- 6. Prior to zoning sign-off for building permits, the owner shall submit evidence that the local fire district has reviewed the replacement dwelling project and that any requirements from the fire district are met [Comprehensive Plan Policy 38; MCC 29.013].**
- 7. Prior to zoning sign-off for building permits, the owner shall submit accurately scaled elevation plans of the dwelling with the building height calculated and depicted on the plans according to the methodology of MCC 34.0005 Building Height [MCC 34.2855(C)].**
- 8. The owner shall maintain the lawn east of the home in good condition such that it is continuously alive and healthily so that it can act as a filter for runoff and help prevent erosion. The owner shall also remove invasive species found in the list of MCC 34.4570(B)(7) from the development area and along the Columbia River. The**

owner shall also plant 10 native trees (such as Ponderosa Pine, Red Alder, Western Red Cedar, Big Leaf Maple, Cottonwood, or Willow Trees) on the east side of the dwelling in the area depicted in the Planting Plan of Exhibit 21 of T2-2011-1709. The owner shall continuously maintain the trees. Any of the trees damaged or destroyed by inclement weather or disease shall be replaced with one of the tree species named above within the next planting season. A replacement tree shall be at least 6ft tall a time of planting and shall be placed in the same general location [MCC 34.4555(G)].

9. The exterior body of the home shall be painted a dark earth tone color matching the colors of Row B, Columns 12-16 and Row C, Columns 14-16 of the Recommended Colors of the NSA Scenic Resources Implementation Handbook. The exposed foundation shall be painted Dark Grey. The roof shall consist of composite roofing that is black or a dark brown matching Row A, Column 16 of the NSA Scenic Resources Implementation Handbook [MCC 34.4555(L)].
10. Any exterior lighting shall be shown on the building plans at the time of zoning sign-off for building permit review. Exterior lighting shall be recessed can lights directed downward or wall-mounted lights that have the bulb shielded downward and covered by opaque materials on the side. If there are wall mounted exterior lights, the owner shall include the corresponding information sheet depicting the light design. No portion of the bulb shall be visible [MCC 34.4555(L)].

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 ext. 29270, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$61.00 will be collected. In addition, an erosion control inspection fee of \$82.00 may be 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.

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 is seeking an extension to the period of time T2-2011-1709 is valid. T2-2011-1709 was approved in September of 2011 and was set to expire on September 16, 2013 pursuant to MCC 37.0690.

2.00 Property History:

Staff: The owner and applicant applied for, and received approval, for replacement of a single-family dwelling in the SEC-g overlay zone at the northern tip of Sauvie Island in 2011. The applicant then applied for, and received approval, for a grading permit and flood hazard permit. Zoning sign-off for the building permits was issued on March 1, 2013. However, construction has not yet started on the dwelling and the original land use permit was set to expire on September 16, 2013. This application is to extend that time line and preserve the right to build the dwelling under T2-2011-1709.

3.00 Time Extension Approval Criteria:

MCC 37.0695 EXTENSION OF A TYPE II OR TYPE III DECISION.

(A) The Planning Director shall grant one ex-tension period of 24 months for approvals of dwellings listed in Section 37.0690(C) and shall grant one extension period of up to 12 months for all other approvals provided:

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

Staff: The applicant requested an extension to T2-2011-1709 via email sent on September 4, 2013 (Exhibit A.2).

Criterion met.

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

Staff: The email requesting an extension to the approval period was sent prior to expiration of the original land use permit.

Criterion met.

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

Staff: In the email narrative submitted by the applicant and owner, he states that a consultant worked on the project that was headquartered in North Bend, Oregon, in the southwest portion of the state. Distance between the consultant and the Portland area caused delays in the processing of land use and building permits. The record shows that while the SEC-g land use permit that is the subject of this application was issued in September of 2011, the accompanying Flood Hazard (T1-2011-1710) and Grading and Erosion Control Permit (T1-2012-2426) were not issued until September 10, 2012. According to the applicant, his consultant became involved with other projects in the North Bend area which prevented him from actively managing the project with the City of Portland. The applicant then took control of the project but had to commute from Bend for every visit to the City of Portland to oversee the building permit process. Issues relating to the building permit process have prevented the project from breaking ground with the expiration date looming. The applicant is seeking an extension to keep that building permit process alive and valid.

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.**

Staff: The time to obtain the Flood Hazard and Grading and Erosion Control Permit contributed to the delay in the beginning of the project. The owner did finally obtain zoning sign-off for approval in March 2013 but difficulties with the availability of the owner's consultant's and the distance from Portland further exacerbated the delay of the project. The owner took over the project from the consultant. However, being located in Bend made it difficult for the owner to finalize the building permit process during the two year approval window of the original land use permit.

Criterion met.

4.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for Time Extension Request. The original land use permit is valid for an additional one year time period, expiring on October 18, 2014. This approval is subject to the conditions of approval established in the previous land use approval (T2-2011-1709) and adopted herein.

5.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff 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 T2-2013-3053 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits
A.1	1	General Application Form
A.2	2	September 4, 2013 Email Request for Time Extension
‘B’	#	Staff Exhibits
B.1	2	A&T Property Information
B.2	1	A&T Tax Map with Property Highlighted
B.3	1	September 4, 2013 Complete Letter
B.4	2	September 11, 2013 Opportunity to Comment and Address List