

1600 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2019-11606
Permit: Time Extension Request for T3-2016-5319
Location: 12950 NW Marina Way
Tax Lot 700, Section 28 2N 1W,
Range 28D
Tax Account #R971280500
Applicants: Mike Herrick
Owners: AC Holdings LLC
Base Zone: MUA-20
Overlays: WRG, FD



Summary: The applicant is requesting a 12-month time extension approval for land use case file # T3-2016-5319 regarding Conditional Use Permit for on-site commercial processing of forest products, Design Review Permit to establish the business infrastructure on-site, and Willamette River Greenway Permit for a new development on the property, and deviation from the surfacing standard of MCC 34.4180(A).

Decision: Approved with Conditions

Unless appealed, this decision is effective May 29, 2019, at 4:00 PM.

Issued by:

By: 
Aldo Rodriguez, Assistant Planner

For: Adam, Barber
Interim Planning Director

Date: May 15, 2019

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 Aldo Rodriguez, Staff Planner at 503-988-4159 or email aldo.rodriguez@multco.us

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 39.1160 (2). 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 May 29, 2019 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) 39.1185 *Extension of a Type II or Type 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.multco.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.

Conditions of Approval

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. Case T3-2016-5319 for Conditional Use Permit for on-site commercial processing of forest products, Design Review Permit to establish the business infrastructure on-site, and Willamette River Greenway Permit for a new development on the property, and deviation from the surfacing standard of MCC 34.4180(A) approval will expire on May 23, 2020. No additional extensions can be requested.

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.
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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 requesting a 12-month time extension approval for land use case file # T3-2016-5319 regarding Conditional Use Permit for on-site commercial processing of forest products, Design Review Permit to establish the business infrastructure on-site, and Willamette River Greenway Permit for a new development on the property, and deviation from the surfacing standard of MCC 34.4180(A).

2.00 Public Comments

Staff: One comment (Exhibit D.1.) was received from neighbor Shawn and David Looney expressing support of the request for the extension.

3.00 EXTENSION OF A TYPE II OR TYPE III DECISION.

3.1.0 MCC 39.1195 (A) The Planning Director shall grant one extension period of 24 months for approvals of dwellings listed in MCC 39.1185 (C) and shall grant one extension period of up to 12 months for all other approvals provided:

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

Staff: The applicant submitted a written request for a 12 month Time Extension. *This standard is met.*

3.1.1 MCC 39.1195 (2) The request is submitted to the county prior to the expiration of the approval period;

Staff: The application request for the Time Extension was submitted on February 14, 2019 and the Case T3-2016-5314 was set to expire on April 25, 2019. Therefore it was submitted before the expiration date. *This standard is met.*

3.1.2 MCC 39.1195 (3) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

Staff: The applicant submitted an adequate narrative describing the obstacles that have prevented from completing conditions within the approval period. *This standard is met.*

3.1.3 MCC 39.1195 (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 County finds that the applicant was unable to begin or continue development during the approval period for reason for which the applicant was not responsible. Shortly after the new owners began cleaning and organizing the property; they encountered many items left behind from the previous owner. Addressing the items has been a lengthy and costly activity. The delay in clean-up has affected the construction timeline of the proposed office building and consequently the required landscaping. *This standard is met.*

7.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Time Extension permit to extend the approval of Case T3-2016-5319 a Conditional Use Permit for on-site commercial processing of forest products, Design Review Permit to establish the business infrastructure on-site, and Willamette River Greenway Permit for a new development on the property, and deviation from the surfacing standard of MCC 34.4180(A). This approval is subject to the conditions of approval established in this report.

8.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

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 T2-2019-11606 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1		General Application Form	2.14.19
A.2		Narrative	2.14.19
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	4.14.19
‘C’	#	Administration & Procedures	Date
C.1		Complete Letter (Day 1)	3.12.19
‘D’	#	Comments Received	Date
D.1		Looney Comments	4.21.19