
NOTICE OF DECISION

Case File: T2-2019-12284

Permit: Time Extension

Applicant: Sommay Keoprasith

Owners: Khanthaly Thammavong, Pat
Payaraj & Somchine Singharath

Location: 17676 SE Foster Road, Gresham
Tax Lot 600, Section 19DC, Township 1 South, Range 3 East, W.M.
Tax Account #R993190320 Property ID #R340599

Zoning: Rural Residential (RR)

Overlays: Significant Environmental Concern for water resources (SEC-wr)

Proposal Summary: The applicant is requesting a time extension to implement land use permits to use and improve the subject property for the Lao Buddhist Center Northwest on the subject property.

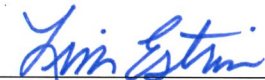
Decision: Approved with Conditions. A one-year time extension is approved extending the expiration date of T3-2013-2861 and T3-2016-4967 to August 2, 2020.

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, November 27, 2019, at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Lisa Estrin, Staff Planner at 503-988-0167 or at lisa.m.estrin@multco.us.

Opportunity to Appeal: 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued By:



Lisa Estrin, Senior Planner

For:

Adam Barber
Interim Planning Director

Date:

Wednesday, November 13, 2019

Vicinity Map



For this application to be approved, the proposal will need to meet the applicable approval criteria below:

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 39.1195 Extension of a ...Type III Decision

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link *Chapter 39 – Zoning Code*.

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. This time extension of T3-2013-2861 & T3-2016-4967 extends the length of time to commence construction for the conditional use approval and associated permits for one year. T3-2013-2861 & T3-2016-4967 will expire on August 2, 2020 unless construction has commenced by that date. Commencement of construction shall mean actual construction of the physical improvements. Provided construction of the physical improvements has commenced, the

timelines for the land use approval and permits contained in T3-2013-2861 & T3-2016-4967 shall follow the requirements of MCC 39.1185(B) as applicable.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. All conditions of approval from land use case T3-2013-2861 & T3-2016-4967 shall remain in effect and shall be complied with.

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*.

1.0 Project Description:

The applicant is requesting a time extension to implement land use permits to use and improve the subject property for the Lao Buddhist Center Northwest on the subject property.

2.0 Property Description & History:

Staff: The subject property is 4.81 acres and is located in the Rural Residential base zone. A stream runs south to north across the western portion of the property and this stream is protected under the Significant Environmental Concern-water resources overlay zone (SEC-wr).

In 2013, the property owners applied for land use permits (T3-2013-2861) to convert the subject property into a community center to support the religious, cultural and social needs of the Lao Buddhist community in the area. In March, 2014, the County’s Hearings Officer approved their land use case in part and denied a minor exception and major variance for side yard setbacks. The applicant appealed the decision to the Land Use Board of Appeal (LUBA). The applicant and the County stipulated to a remand of the decision to address various outstanding issues. In addition, the applicant applied for a code deviation (T3-2016-4967) to install a 36 space gravel surface parking lot instead of the required paved parking area. On August 2, 2016, the County Hearings Officer approved a revised land use decision, T3-2013-2861 and the new application, T3-2016-4967 with conditions of approval to be met and improvements to be made.

Pursuant to MCC 39.1185(B), the Lao Buddhist Center NW had two years to commence construction of various physical improvements. Time extension T2-2018-10613 granted a one year extension to commence the construction of the physical improvements. If work did not commence by August 2, 2019, T3-2013-2861 and T3-2016-4967 would expire.

3.0 Administrative Procedures Criteria:

3.1 § 37.0695 EXTENSION OF A TYPE II OR TYPE III DECISION.

(A) The Planning Director shall grant one extension 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:

- (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.

Staff: The Lao Buddhist Center NW has submitted a request for a one-year time extension to commence the various physical improvements for their community center land use. The request for the time extension was submitted on July 24, 2019, prior to the expiration of the land use permits. The applicants have stated that fund-raising has slowed preparation of the necessary plans and engineering to implement the physical improvements. Since the Lao Buddhist Center NW is a donation based institution, slow fund-raising is an acceptable reason to failure to commence construction of the needed improvements. *Criteria have been met.*

4.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the one-year time extension to implement T3-2013-2861 and T3-2016-4967 in the Rural Residential zone.

5.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

All exhibits are available for review in Case File T2-2019-12284 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received
A.1	1	Application Form and Narrative	7/24/2019
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1S3E19DC - 00600	7/24/2019
B.3	2	Opportunity to Comment	9/06/2019
B.4	4	Administrative Decision	11/12/2019