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NOTICE OF DECISION

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

Case File: T1-2019-12526

Permit: Time Extension

Applicant: Barbara Liles

Owners: James Morgan & Barbara Liles

Location: 34101 E. Bell Road, Corbett

Tax Lot 100, Section 33, Township 1 North, Range 4 East, W.M.

Tax Account #R944331130

Property ID #R322597

Base Zones: Gorge General Agriculture – 40 (GGA-40) / Exclusive Farm Use (EFU)

Proposal Summary: The applicant is requesting a one (1) year extension to commence construction of a replacement dwelling as authorized in land use case #T2-2017-8140.

Decision: The Planning Director grants the property owners a 12-month extension of land use case #T2-2017-8140, which authorized the replacement of a single family dwelling in the National Scenic Area. **The land use decision, T2-2017-8140 shall expire if the construction of the replacement dwelling has not commenced by midnight on December 14, 2020.** Commence of construction shall mean actual construction of the foundation or frame of the approved structure.

Approval of an extension is an administrative decision and is not a land use decision as described in ORS 197.015. The Decision is final and is not subject to appeal as a land use decision.

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 may be purchased for \$0.30/per page. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-0167 or at lisa.m.estrin@multco.us.



Issued by:

By: *Lisa Estrin*
Lisa Estrin, Senior Planner

For: Adam Barber
Interim Planning Director

Date: Friday, December 20, 2019

Applicable Approval Criteria: Multnomah County Code (MCC):

Administration and Procedures: MCC 38.0700 Extension of Type II or Type III Decisions

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-304 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link:
Chapter 38 – Columbia River Gorge National Scenic Area

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:

Staff: The applicant has applied to extend the time frame to commence construction of the replacement dwelling authorized in land use case, T2-2017-8140 in the National Scenic Area.

2.0 Property Description & History:

Staff: The subject property is 17.51 and has street frontage on E. Bell Road and NE Mershon Road in Corbett. At the time of the 2017 land use decision, the property had two legal dwellings and various outbuildings. The property is currently in farm use. The original dwelling constructed in 1931 will be demolished and the replacement dwelling constructed in the northwestern portion of the property with access being taken from NE Mershon Road. The 1941 dwelling will remain on the property and take access off of Bell Road.

3.0 Time Extension Criteria:

MCC 38.0700 EXTENSION OF TYPE II OR TYPE III DECISIONS.

(A) Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type I decision.

(B) A request for extension of the time frames in §38.0700 (D)(1), (D)(2), and (E) shall be submitted in writing before the applicable expiration date.

(C) Approval or denial of a request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(D) The Planning Director may grant one 12-month extension to any approved decision if it determines that events beyond the control of the applicant prevented:

(1) The commencement of the use or development within two years of the decision for a land use approval that does not include a structure; or

(2) commencement of construction with-in two years of the decision for a land use approval issued for a use or development that includes a structure.

(E) The Planning Director may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented the completion of the structure within two years of the date of the commencement of construction for a land use approval that includes a structure, when the structure has been commenced.

Staff: (A) The Planning Director has processed this request as a Type I decision. No appeal may be made.

(B) The applicant made a written request for a 12-month extension of land use case #T2-2017-8140 first as a Type II application on September 5, 2019 and then as a Type I on October 3, 2019. T2-2017-8140 was set to expire on December 14, 2019 without a time extension (Exhibit A.1). *Criterion met.*

(C) The current property owners purchased the property on February 8, 2019. As they want to revise the design of the dwelling's size and exterior, they were unable to start before the permit expired.

(D) As the applicant is wanting to revise the plans for the replacement dwelling and due to the fact they only purchased the property in February 2019, the Planning Director has determined that events beyond the current property owners control has prevented commencement of construction.

(E) At present, the property owners have not commenced construction of the replacement dwelling. Criterion (E) is not applicable at this point in the land use decision lifecycle.

4.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for a Time Extension. The Planning Director grants the property owners a 12-month extension of land use case #T2-2017-8140, which authorized the replacement of an existing single family dwelling in the National Scenic Area. The land use decision, T2-2017-8140 shall expire at midnight on December 14, 2020 unless construction has commenced as specified in MCC 38.0690(B)(1).

5.00 Exhibits

'A' Applicant's Exhibits

'B' Staff Exhibits

All exhibits are available for review in Case File T1-2019-12526 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	NSA Application Form	10/03/2019
A.2	1	Narrative	10/03/2019
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N4E33 - 00100 (R944331130)	9/5/2019