

NOTICE OF DECISION

Case File: T2-2021-14927

Permit: Time Extension

Applicants: Sommay Keoprasith

Owners: Khanthaly Thammavong, Pat
Payaraj & Somchine
Singharath

Location: 17676 SE Foster Rd., Gresham
Map, Tax Lot: 1S3E19DC-00600 Alternate Account #R993190320 Property ID
#R340599

Base Zone: Rural Residential (RR)

Overlays: Flood Hazard (FH), Significant Environmental Concern – Water Resource (SEC-wr)

Proposal Summary: Request for a 12-month time extension T3-2013-2861 and T3-2016-4967 to allow the completion of the authorized improvements for the Lao Buddhist Center Northwest.

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is March 9, 2022 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 by contacting Aldo Rodriguez at 503-988-4159 or at aldo.rodriguez@multco.us. Copies of all documents are available at the rate of \$0.40/per page.

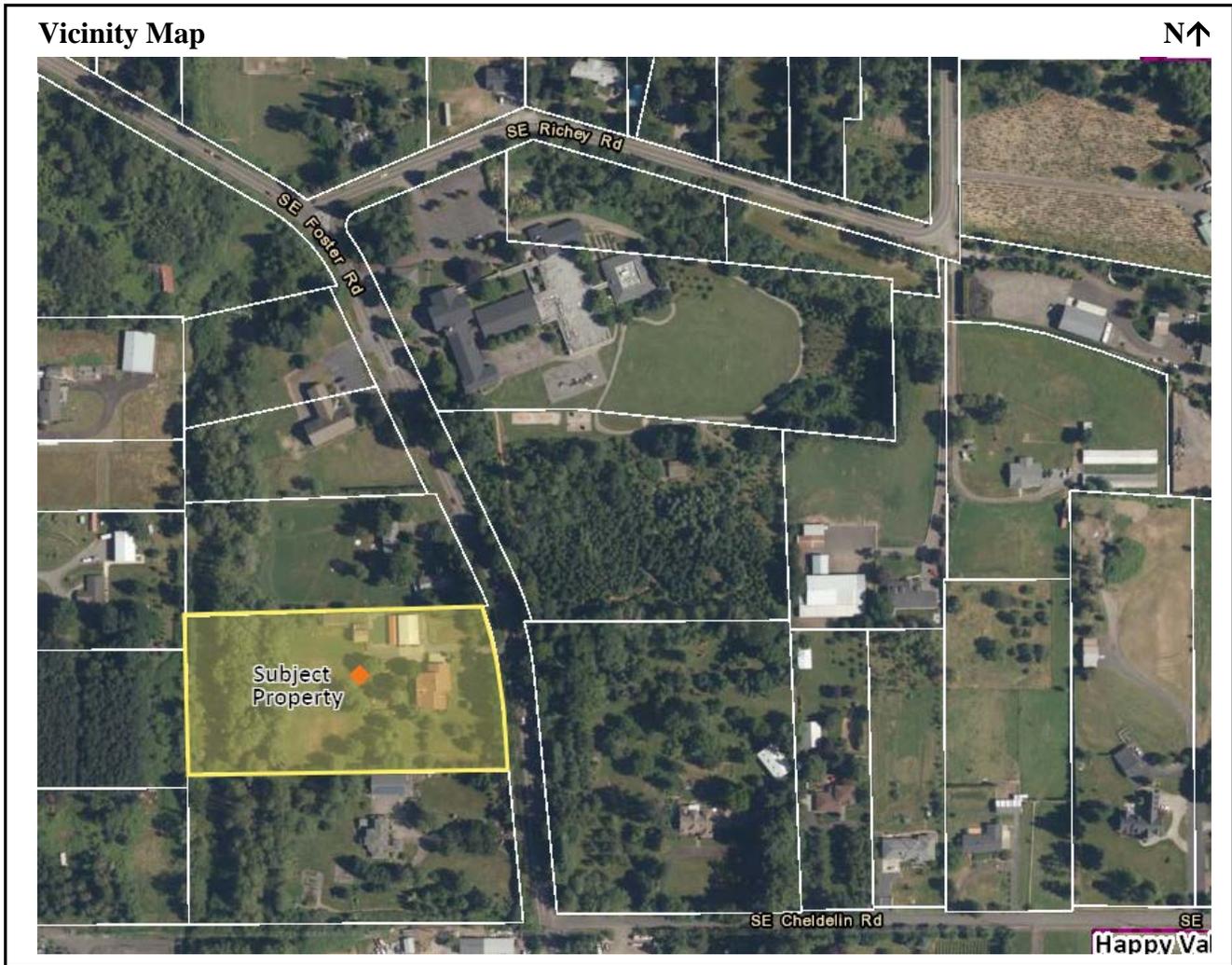
Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by:

By: Aldo Rodriguez, Planner

For: Carol Johnson, AICP
Planning Director

Date: February 23, 2022



Applicable Approval Criteria:

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

Multnomah County Code (MCC):

Extension of Type II or Type III Decision: MCC 39.1195

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. 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.

1. This time extension of T3-2013-2861 & T3-2016-4967 extends the conditional use approval and associated permits for one year. T3-2013-2861 & T3-2016-4967 will expire on August 2, 2022.
2. Except for approvals of dwellings listed in MCC 39.1185(C), additional one-year extensions shall be authorized where applicable criteria for the decision have not changed. For each additional extension, the Planning Director shall confirm compliance with the standards in MCC 39.1195 (A) (1-4).
3. All conditions of approval from land use case T3-2013-2861 & T3-2016-4967 shall remain in effect and shall be complied with.

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*.

1.0 Property Description & History:

- 1.1 Staff:** The applicant is requesting a time extension to allow the completion of the authorized improvements for the Lao Buddhist Center Northwest.

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 addition, located within the stream is FEMA 100-year floodplain.

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 Appeals (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.

To this date three (12)-month Time extensions haven been granted. First, T2-2018-10613 granted a one-year extension to commence the construction of the physical improvements. Second, T2-2019-12284 granted a one-year extension to allow the work on the physical improvements to continue. Third, T2-2020-13569 granted a one-year extension to assist with the slowed down construction due to delays caused by the pandemic.

2.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per [MCC 39.1105] as Exhibited in C.5. Staff did not receive any public comments during the 14-day comment period.

3.0 Procedure 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 submitted a request for a one-year time extension to complete the authorized improvements for their community center. The applicant submitted the request for the time extension on July 30, 2021, prior to the expiration of the land use permits. The applicant stated they could not complete the improvements due to delays caused by the pandemic. The various construction improvements depend on fundraising events that have been hampered by the pandemic. Many of the events have been canceled. Based on the application information, it appears that due to unforeseen delay caused by the pandemic, the applicant has not been able to complete the improvements. *Criterion 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
- 'C' Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2021-14927 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	7.30.2021
A.2	1	(Updated) General Application Form	11.11.2021
A.3	1	Covid-19 pandemic impact LBCN	11.11.2021
A.4	1	Third property owner signature	11.11.2021
'B'	#	Staff Exhibits	Date

B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for Property ID:R340599	7.30.2021
B.2	60	T3-2013-2861 & T3-2016-4967 HO Decision	9.21.2021
B.3	5	T2-2018-10613 Time Extension Decision	9.21.2021
B.4	4	T2-2019-12284 Time Extension Decision	9.21.2021
B.5	6	T2-2020-13569 Time Extension Decision	9.21.2021
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete letter	8.30.2021
C.2	1	Applicant's acceptance of 180 day clock	9.15.2021
C.3	1	Applicant's acceptance of 180 day clock (updated)	9.21.2021
C.4	1	Complete letter (day 1)	9.21.2021
C.5	2	Opportunity to Comment and mailing list	12.14.2022
C.6		Administrative decision and mailing list	