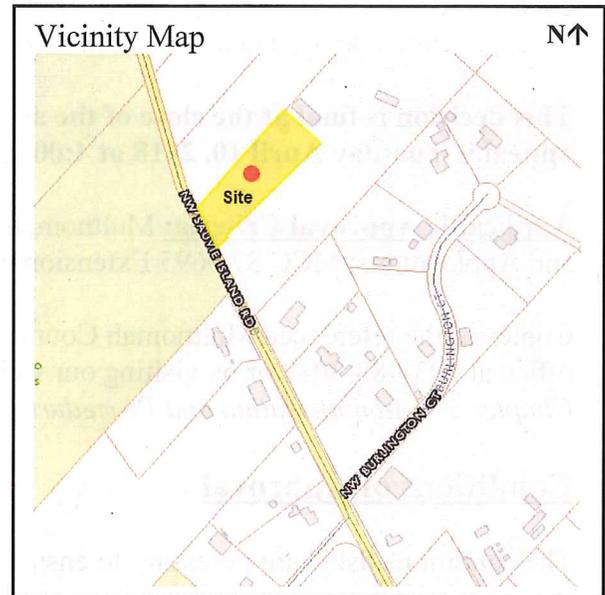


1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2018-10107
Permit: Time Extension
Location: 18846 NW Sauvie Island Rd
Tax Lot 2800, Section 17
Township 2 North, Range 1 West, W.M.
Tax Account #R971170560
**Applicants/
Owners:** Bernard Kerosky
Base Zone: Multiple Use Agriculture – 20
(MUA-20)



Summary: The applicant has requested a time extension for land use case # T2-2015-4502 and T2-2016-4776 regarding an Accessory Use Determination and an Adjustment to the yard requirements for an existing outbuilding. This request is to allow additional time to complete the conditions of approval for the referenced decisions. Per Multnomah County Code (MCC) 37.0695, the Planning Director may grant one extension period of up to 12 months.

Decision: Approved. A one-year time extension is approved by the Planning Director, extending the expiration date of case # T2-2015-4502 and T2-2016-4776 to May 11, 2019.

Unless appealed, this decision is effective **Tuesday, April 10, 2018**, at 4:00 PM.

Issued by:



Chris Liu, Assistant Planner

For: Michael Cerbone, AICP
Planning Director

Date: Tuesday, March 27, 2018

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 staff planner Chris Liu at 503-988-3043 or chris.liu@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 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 Tuesday April 10, 2018 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 Code Compliance and Applications; MCC 37.0695 Extension of a Type II or Type III Decision.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at multco.us/landuse/zoning-codes at the link *Chapter 37: Administration and Procedures*

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. 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 time extension permit expires on May 11, 2019 if building permits for the garden/artist space outbuilding are not issued and completed. The property owner may request additional extensions to the timeframe within which this permit is valid, as provided under MCC 37.0695 (C), as applicable. The request for a permit extension must be submitted prior to May 11, 2019.***
3. All conditions of approval from land use case # T2-2015-4502 and T2-2016-4776 are hereby adopted for this time extension and are listed below as conditions # 4 through 9.
4. At no time shall the garden/artist space outbuilding be used as a guest house, sleeping quarters, rented for an apartment, used as a residence or vacation rentals/accommodations without first obtaining land use planning approval for the specific land use activity. [MCC 34.2815 Uses]
5. No refrigerator, microwave, oven, cook stove or other food cooking device shall be placed within the confines of the garden/artist space outbuilding.
6. Any and all propane gas line components shall be completely removed from the garden/artist space outbuilding. No piping shall remain within its walls, foundation or interior.

7. The kitchen style sink, countertops and cupboards shall be removed from the garden/artist space outbuilding. A freestanding utility sink such as shown in Exhibit B.3 without a cabinet or adjacent counter tops may be installed in the main floor area. No bathroom or sink may be installed in the second floor area.
8. Prior to land use sign-off for building plan check for the garden/artist space outbuilding:
 - a. The property owner shall remove the freestanding 7' x 5' (35 sq. ft.) open air structure and the 20' x 30' (600 sq. ft.) lien-to attached to the garden/artist space outbuilding from the property. [MCC 34.2825(J)]
 - b. Upon completion of the demolition, the property owner shall contact the Code Compliance section at 503.988.5508 and set up an appointment for a site visit to verify removal of the two structures. In addition, code compliance shall inspect the garden/artist space and verify that the cupboards and countertops have been removed and no refrigerator, stove or cooking appliance or beds exist in the structure.
 - c. The property owner shall add the missing 8-ft by 8-ft small garden shed to the site plan. [MCC 37.0560]
 - d. The property owner shall record this land use decision pages 1 through 8 in the County Records.
9. The property owners shall obtain a building permit for the garden/artist space outbuilding. In addition, the necessary ancillary permits to remove the gas piping and change out the sink shall be obtained and completed.

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. Project Description, Property Description & History:

Staff: The applicant is seeking an extension to the timeframe that land use case # T2-2015-4502 and T2-2016-4776 are valid. Case T2-2015-4502 and T2-2016-4776 were approved with conditions on May 11, 2016 and was set to expire on May 11, 2018 pursuant to MCC 37.0690.

Application, T2-2015-4502 was a request to authorize an existing two-story outbuilding. Application, T2-2016-4776 requested an Adjustment to reduce the distance between a storage building and the rear property line from 30 feet to 20.3 feet. The adjustment granted a 9.7 ft. (32.33%) reduction to the minimum rear yard setback.

The applicant completed County Building Plan Review on February 15, 2017 via BP-2017-6999. Delays to finalizing the building permit with the City of Portland were primarily due to issues with a previously hired engineer that did not complete the work necessary. A new engineer was hired in October 2017 and has worked to complete the revisions necessary for issuance of the building permit.

2. Public Comments

Staff: One comment (Exhibit D.1.) was received from neighbor George Cashdollar. Mr. Cashdollar expressed his support for granting a time extension.

3. EXTENSION OF A TYPE II OR TYPE III DECISION

3.1 MCC 37.0695(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:

MCC 37.0695(A)(1): An applicant makes a written request for an extension of the development approval period;

Staff: The applicant submitted a written request for an extension on March 5, 2018. *This criterion is met.*

3.1.2 MCC 37.0695(A)(2): The request is submitted to the county prior to the expiration of the approval period;

Staff: Case T2-2015-4502 and T2-2016-4776 were set to expire on May 11, 2018 if conditions of approval were not met. The applicant has submitted the extension request prior to this deadline. *This criterion is met.*

3.1.3 MCC 37.0695(A)(3): The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

Staff: Land Use completed building plan review for the project via BP-2017-6999 on February 15, 2017. The applicant faced delays with the building permit process from March 2017 to October 2017 due to issues with a previous engineer hired for the project. As a result, a second engineer was hired in October 2017 and has worked to finalize the project with the City of Portland Bureau of Development Services. The applicant is unsure if the final inspections will be completed by the original deadline of May 11, 2018; hence, they have requested a time extension. *This criterion is met.*

3.1.4 MCC 37.0695(A)(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: As discussed in criteria #3 above, the delays were due to the previous engineer hired for the project. The engineer was not able to perform the agreed upon work necessary to finalize the building permit process, which led to inactivity on the project from March 2017 until October 2017. The current project engineer was hired in October 2017 and has guided the project towards completion. *This criterion is met.*

4. Conclusion.

Based on the findings and other information provided above, the applicant has carried the burden necessary to grant the time extension request in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

5. 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 T2-2018-10107 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	3.7.2018
A.2	2	Narrative	3.7.2018
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 2N1W17A - 02800	3.7.2018
'C'	#	Administration & Procedures	Date
C.1	2	Opportunity to Comment	3.9.2018
C.2	5	Administrative Decision	3.27.2018
'D'	#	Comments Received	Date
D.1	1	Cashdollar Comments	3.9.2018