

NOTICE OF DECISION

Case File: T2-2018-10613
Permit: Time Extension
Applicant: Sommay Keoprasith, LBCN Exec. Director
Owners: Khanthaly Thammavoung, Pat Phayaraj & Somchine Singharaj
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 by the Planning Director, extending the expiration date of T3-2013-2861 and T3-2016-4967 to August 2, 2019.

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, October 18, 2018, 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: Michael Cerbone, AICP
Planning Director

Date: Thursday, October 4, 2018

Vicinity Map

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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 37.0695

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 37: Administration & 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 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, 2019 unless construction has commenced by

that date. Commencement of construction shall mean actual construction of the physical improvements as outlined in the Construction Schedule. Provided construction of the physical improvements outlined in the Construction Schedule 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 37.0690(B) as applicable.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

3. Prior to Land Use Planning review and sign-off for a building permit, the property owners or their representative shall:
 - a) Submit a revised Construction Schedule to Land Use Planning for review and approval pursuant to Condition 8.d.i. The Planning Director may approve such construction schedule adjustments or set forth different timelines in consideration of any negative impacts to human or environmental health and safety potentially or actually arising from the adjustment.
4. All conditions of approval from land use case T3-2013-2861 & T3-2016-4967 shall remain in effect and shall be complied with.

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any other requirements. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Contact staff planner, Lisa Estrin, at 503-988-0167 or lisa.m.estrin@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

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 37.0690(B), the Lao Buddhist Center NW had two years to commence construction of various physical improvements. If work did not commence by August 2, 2018, 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 June 20, 2018 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 T2-2018-10613 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received
A.1	1	Application Form and Narrative	6/28/2018
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1S3E19DC - 00600	6/28/2018
B.2	2	Approved Construction Schedule from T3-2013-2861 & T3-2016-4967	7/26/2018
B.3	60	Hearings Officer Decision for T3-2016-4967 & T3-2013-2861	7/26/2018
B.4	2	Opportunity to Comment	8/29/2018
B.5	5	Administrative Decision	10/04/2018