



MULTNOMAH COUNTY OREGON

LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

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

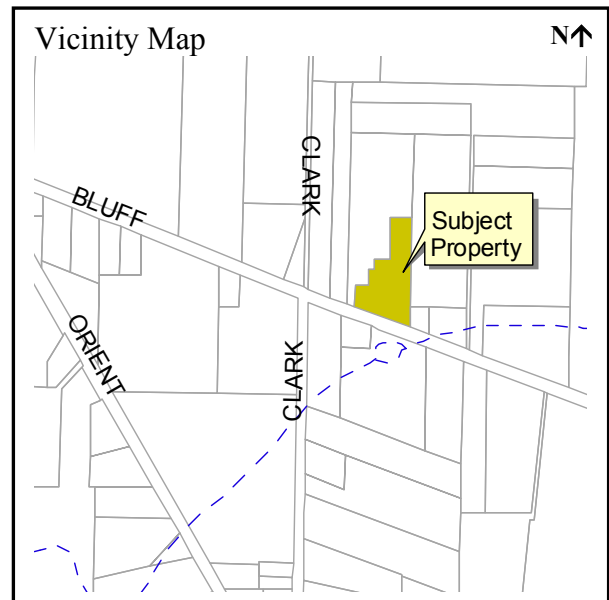
Case File: T2-04-008

Permit: Temporary Permit

Location: 30829 SE Bluff Road
TL 1100, Sec 20CA, T 1S, R 4E, W.M.
Tax Account #R99420-1700

Applicant: Betty Schwalb

Owner: Joseph & Betty Schwalb
30829 SE Bluff Road
Gresham, OR 97080



Summary: Applicant is requesting a temporary permit to live in a travel trailer while their new house is being constructed due to their previous house being damaged by fire.

Decision: Approved with conditions.

Unless appealed, this decision is effective Tuesday, March 23, 2004 at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, March 9, 2004

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's 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 Lisa Estrin, Staff Planner at 503-988-3043.

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 (LUBA) 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, March 23, 2004 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions: MCC 36.0510 Temporary Permits.

Multiple Use Agriculture - 20: MCC 36.2825 Review Uses, MCC 36.2855 Dimensional Standards and Development Requirements.

Administration and Procedures: Chapter 37.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

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.

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. Upon completion/occupancy of the dwelling or 1 year from the issuance of this permit (March 8, 2005), whichever comes first, this permit will expire and the property owners shall cease using the travel trailer to live upon the property. [MCC 36.0510]
2. On a weekly basis or sooner if needed, the property owners shall have A-1 Outhouse Co. pump and dispose of the black and gray waste water from the holding tank of the trailer. Any waste water spilled shall be cleaned up immediately. If a spill occurs, the property owner are required to contact the City of Portland Bureau of Buildings Environmental Soils Section (503) 823-7790 and obtain a permit to immediately connect the travel trailer to the on-site sewage disposal system. [MCC 36.2855(F)]

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 criteria and Comprehensive Plan Policies are in **bold** font. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 **Administration and Procedures**

1.01 **Project Description:**

On Thanksgiving Day, November 27, 2003 the Schwalb’s single family dwelling caught fire and was damaged severely (Exhibit A.4). The property owners decided it was not feasible to save it and a demolition permit was signed off by the County Land Use Planning Section on December 12, 2003. The Gresham Building Department finalized the demolition permit on January 23, 2004. The property owners have expressed the need that they need to live on the site in a travel trailer during the construction of their new dwelling so that they can maintain the site and care for their animals. Betty Schwalb has indicated that the contract to rebuild the dwelling was signed on February 16, 2004 and once the building permits are issued the estimated time of completion is 90 days (Exhibit A.5).

1.02 **Proof of Ownership**

MCC 37.0550 Initiation of Action

Except as provided in MCC 37.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: The proposed project is located on Tax Lot 1100, Section 20CA, Township: 1 South, Range: 4 East. Assessment & Taxation records show that the land is owned by Joseph & Betty Schwalb. Betty Schwalb has been designated the applicant in this case and has signed the General Application Form (Exhibit A.1). *This criterion has been met.*

1.03 **TYPE II CASE PROCEDURES**

MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...

Staff: The application was submitted on February 17, 2004 and was deemed complete as of February 20, 2004. An “Opportunity to Comment” notice was mailed on February 20, 2004 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. No written comments were received.

2.00 **General Provisions:**

2.01 **MCC 36.0510 TEMPORARY PERMITS**

(A) Notwithstanding the limitations of use as established by this Chapter in each of the

several districts, the Planning Director may issue temporary permits, valid for a period of not more than one year after issuance, for structures, or uses which are of a temporary nature, such as:

- (1) Storage of equipment during the building of roads or developments;
- (2) Real estate office used for the sale of lots or housing in subdivisions;
- (3) Temporary storage of structures or equipment;
- (4) Sheds used in conjunction with the building of a structure;
- (5) Temporary housing; or
- (6) Other uses of a temporary nature when approved by the Planning Director.

Staff: The applicant is requesting a temporary permit to live in a travel trailer on her property while their house is being reconstructed due to fire damage. The use of a travel trailer as temporary housing may be permitted as specified under (5) above. Conditions of approval have been included specifying sewage disposal and time limitations on this temporary use to prevent any public health or safety concern.

As conditioned, this criterion has been met.

3.00 **Multiple Use Agriculture – 20 Zoning Regulations:**

3.01 **MCC 36.2825 REVIEW USES.**

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800, or as specified for the use.

(A) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

Staff: The applicant has applied for temporary housing as listed under MCC 36.0510(A)(5). MCC 36.0515 is for health hardship permits and is not applicable to this case. This request has been processed as a Type II decision with a 14 day comment period and will be effective 14 days after the administrative decision is issued in accordance with MCC 37.0510 through 37.0800.

This criterion has been met.

3.02 **36.2855 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.**

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 36.2860, 36.2870, 36.2875, and 36.4300 through 36.4360, the minimum lot size shall be 20 acres.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Staff: The subject property was created in 1969 and is 2.00 acres without the vacated road frontage. The zoning at the time was R-10 which had a minimum lot size of 10,000 square feet per parcel. Pursuant to MCC 36.0005(L)(13) and MCC 36.2870 the minimum lot size of 20 acres is not applicable at this time.

This criterion has been met.

3.03 **(C) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Staff: The applicant has submitted in a site plan which shows that the travel trailer will be a minimum of 24 feet from the side property lines, a minimum of 36 feet from the rear property lines and 150 feet from the front property line (Exhibit A.2). The travel trailer is approximately 12 feet in height. The front property line along Bluff Road is 285.98 feet in length.

These criteria have been met.

3.04 **(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

Staff: The right of way width on Bluff Road is 60 feet in width. Bluff Road has been designated a Local Road on the Multnomah County Functional Classification of Trafficways. The required right of way width for a local road is 50 feet. No additional right of way is needed at this time.

This criterion has been met.

3.05 **(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: No accessory structures have been specified at this time.

This criterion is not applicable.

3.06 **(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The travel trailer will be served by a local septic pumping company (Exhibit A.3). A-1 Outhouse Co. will on a weekly basis pump and dispose of all black and gray waste water from the holding tank of the trailer. This method of septic disposal has been approved by the sanitarian, Phil Crawford in a email dated March 1, 2004.

- 3.07 **(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.**

Staff: No grading will be required for the placement of the travel trailer.

- 3.08 **(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land by:**

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

Staff: At the time of land use sign off for the replacement dwelling, the Schwalbs will need to record a covenant recognizing farm activities. A covenant is not required at this time as the proposed use is a temporary use of the site and is not listed above.

This criterion has been met.

4.00 **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for a temporary permit in the MUA-20 zoning district. This approval is subject to the conditions of approval established in this report.

5.00 **Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	2/17/04
A.2	1	Site Plan	2/17/04
A.3	2	Certification of On-Site Sewage Disposal	2/17/04
A.4	7	Gresham Fire & Emergency Services Incident Report	2/17/04
A.5	1	Timelines for Construction of New Dwelling	2/17/04

‘B’		Staff Exhibits	Date of Document
B.1	1	Assessment & Taxation Property Records	2/17/04
B.2	1	1969 Survey Delineating the Subject Site	2/27/1969
B.3	1	Tax Lot Description for R99420-1700	3/2/04
B.4	1	E-Mail Regarding Waste Disposal by Pumping	3/4/04

'C'		Administration & Procedures	Date
C.1	1	Complete Letter – February 20, 2004 (Day 1)	2/27/04
C.2	2	Opportunity to Comment	2/20/04
C.3	7	Administrative Decision	3/9/04