



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.

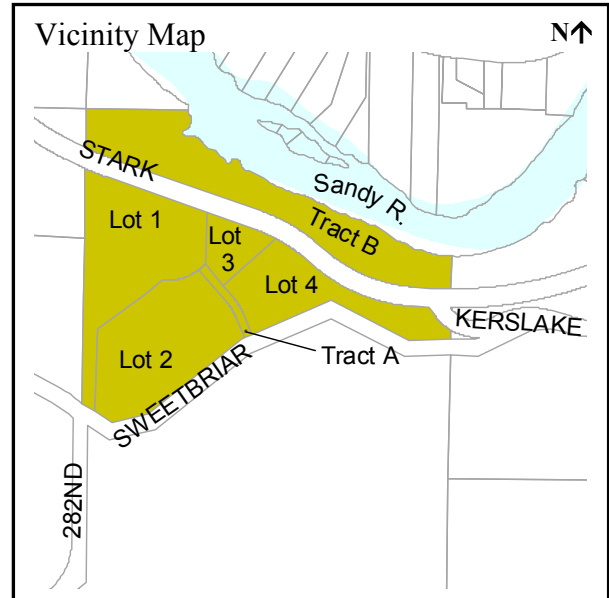
Case File: T2-04-013

Permit: Design Review Modification

Location: 28201, 28219, 28359 & 28499 SE
Sweetbriar Road
TL 101, 102, 103, 104, 105 & 106 Sec.
06CB, T 1S, R 4E, W.M.
Lot 1 – 4, Tract A & B Azure Hills
Estates
Tax Account #'s R04945-0050, R04945-
0100, R04945-0150, R04945-0200,
R04945-0010 & R04945-0020

Applicant: Robert Glaser
P.O. Box 415
Troutdale, OR 97060

Property Owners: Azure Hills Estate Homeowners
Association – Tract A & B
Jonathan & Jodi Beckman – Lot 1
Robert & Mary Glaser – Lot 2



Mike & Mary Greenslade – Lot 3
Paul & Therese Riding – Lot 4

Summary: A request to modify a condition of approval of Design Review Permit DR 3-98 to allow utilities for future development on Lot 2 of Azure Hills Estates to access the site through a utility easement rather than through Tract A.

Decision: Approved with conditions.

Unless appealed, this decision is effective Friday, April 23, 2004, at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Friday, April 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 Friday, April 23, 2004 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 36.7050(A)(8) Design Review, Chapter 37 Administration & Procedures

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.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

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. All utilities (electric, phone & gas) necessary for future development within Azure Hills Estates shall be accessed from off site through Tract "A" or through alternate private easements or the public right of way. [MCC 36.7050(A)(8)]

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 **General Provisions**

1.01 **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 February 27, 2004 and was deemed complete as of March 10, 2004. An “Opportunity to Comment” notice was mailed on March 15, 2004 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. One written comment was received from a nearby property owner who is concerned with the on-site sewage disposal and the channeling of water off of the site. While these concerns are not pertinent to this Design Review modification, these issues are addressed in other permits.

As part of the building permit process, the sanitarian will review the proposed septic system and ensure that it complies with the DEQ requirements for on-site septic systems. The water generated from the newly created impervious surfaces of the dwelling and driveway will be directed to an engineered vegetated swale to treat the water quality and to limit the off-site run-off to predevelopment levels and is reviewed as part of the Grading and Erosion Control permit.

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 application will modify the approved Design Review conditions for Azure Hills Estates which is located on Lot 1 – 4, Tract A & B Azure Hills Estates. Assessment & Taxation records show that the land is owned by Azure Hills Estate Homeowners Association – Tract A & B, Jonathan & Jodi Beckman – Lot 1, Robert & Mary Glaser – Lot 2, Mike & Mary Greenslade – Lot 3 and Paul & Therese Riding – Lot 4. The property owners have granted approval for Robert Glaser to make application to modify the previously approved Design Review permit for Azure Hills Estates (Estate A.1 & A.2).

2.00 **Design Review**

2.01 **MCC 36.7050 Design Review Criteria.**

(A) Approval of a final design review plan shall be based on the following criteria:

(8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

Applicant: It our meetings with PGE and other utilities, it has been determined the best access for utilities to the new home will be to go underground from the driveway easement in the southwest corner of the property, in lieu of bringing power and other utilities from Tract A in accordance with the original Declaration of Covenants, Conditions and Restrictions dated November 8, 1999.

Acceptance of this request for minor variance has been approved by the members of the Azure Hills Estates Homeowners Association.

Staff: Condition No. 4 of Design Review 3-98 specifies that "All utilities necessary for future development shall be accessed from off site through Tract "A". The applicant has requested that this condition be modified to allow utilities (electric, phone and gas) to be constructed in a utility easement over Lot 1 of Azure Hills Estates. The proposed home site is located closer to Lot 1 than Tract A and PGE has indicated that they would prefer to underground the utility from an existing power pole on Lot 1. Staff has modified the existing condition to read as follows:

All utilities (electric, phone & gas) necessary for future development within Azure Hills Estates shall be accessed from off site through Tract "A" or through alternate private easements or the public right of way.

The modification to allow property owners of Azure Hills Estates to take access through an alternative easement rather than Tract A appears to be in compliance with the above criteria as it would allow property owners to access their property with the smallest amount of ground disturbance for utility installation.

The modification of Condition No. 4 of Design Review 3-98 will not modify the Covenants, Conditions and Restrictions (C, C & R's) of the Azure Hill Estates. It will be up to Azure Hill Estates Homeowners Association to follow the procedures in its C, C, & R's for variance or modification.

As conditioned, this criterion has been met.

3.00 **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the modification of Condition No. 4 of Design Review 3-98. This approval is subject to the condition of approval established in this report.

Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	2/27/04
A.2	1	Letter from Robert Glaser to Multnomah County Regarding PGE access to Lot 1	2/27/04
A.3	2	Signatures of Property Owners for Lots 1 through 4, Tract A & B Azure Hills Estates	3/10/04
A.4	1	Site Utility Plan	
‘B’		Staff Exhibits	Date of Document
B.1	1	Incomplete Letter	3/9/04
B.2	1	Completeness Letter – Deemed 3/10/04	3/15/04
B.3	1	Applicant Response Letter	3/16/04
B.4	2	Opportunity to Comment	3/15/04
B.5	1	Comment Letter from R.R. Wyss	3/25/04
B.6	1	A&T Property Record for 1S4E06CB – 00101	4/7/04
B.7	1	A&T Property Record for 1S4E06CB – 00102	4/7/04
B.8	1	A&T Property Record for 1S4E06CB – 00103	4/7/04
B.9	1	A&T Property Record for 1S4E06CB – 00104	4/7/04
B.10	1	A&T Property Record for 1S4E06CB – 00105	4/7/04
B.11	1	A&T Property Record for 1S4E06CB – 00106	4/7/04