



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/dscd/landuse>

NOTICE OF DECISION

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

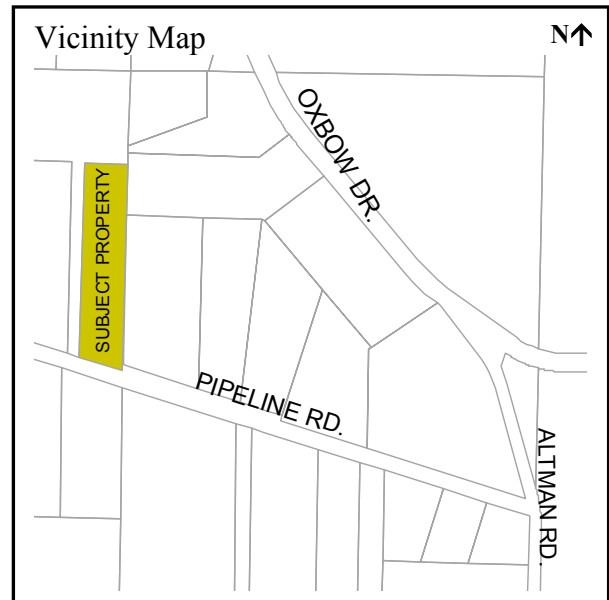
Case File: T2-05-035

Permit: Renewal of Temporary Health Hardship Permit

Location: 32129 SE Pipeline Rd.
Tax Lot 100, Section 17AD,
Township 1S, Range 4E, W.M.

Applicant: Steven & Susan Overby
32129 SE Pipeline Rd.
Gresham, OR 97080

Owners: Steven & Susan Overby
32129 SE Pipeline Rd.
Gresham, OR 97080



Summary: To authorize continued use of the existing manufactured dwelling in conjunction with a health hardship for a relative of the property owners until June 13, 2007.

Decision: Approved with Conditions.

Unless appealed, this decision is effective Wednesday, June 1, 2005, at 4:30 PM.

Issued by:

By: _____
Tammy Boren-King, Planner

For: Karen Schilling - Planning Director

Date: Wednesday, May 18, 2005

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 Tammy Boren-King, 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 Wednesday, June 1, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Chapter 37 Administration and Procedures; MCC 36.0515 Temporary Health Hardship Permit; Policy 37- Utilities

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/dscd/landuse>.

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 36.0515(B), this land use permit expires June 13, 2007. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 36.0515(B). A request for permit extension must be granted before the expiration 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. The Health Hardship Dwelling is for use by Bettie Mills who is to be cared for by her daughter, Sue Overby, and her son-in-law, Steve Overby. (MCC 36.0515(A)(1))
2. The Health Hardship Dwelling permit may be renewed if the Health Hardship situation continues. Every two years from the date of the original approval (June 13, 2003), the applicant shall apply for a renewal of the Health Hardship permit. This renewal shall include:
 - A recent (within 6 months prior to the two year deadline) physician's statement verifying that the Health Hardship situation still exists (MCC 36.0515(A)(6));

- A letter from the care provider describing the continuing assistance being given. (MCC 36.0515(A)(6)); and
3. The Health Hardship Dwelling must be removed from the property within six months of the date of permit expiration or within six months of the date that Bettie Mills ceases to reside in the Health Hardship Dwelling, whichever happens first. (MCC 36.0515(A)(5))

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

Formatting Note: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Applicant comments are identified as **Applicant:** and follow. Staff comments and analysis are identified as **Staff:** and follow. Staff comments include a conclusionary statement in *italic*.

1. PROPOSAL DESCRIPTION AND BACKGROUND:

Staff: The application is for the renewal of a temporary health hardship permit for manufactured home to house Ms Overby's mother, Bettie Mills, on property in the Multiple Use Agriculture Zone District.

2. PROOF OF OWNERSHIP

MCC 37.0550: 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.

Staff: Assessment records show that Steven P. & Susan M. Overby and Richard O. & Bettie Mills are the owners of the property (Exhibit C). Steven P. has signed the application form initiating the application. (Exhibit A)

Criterion met

3. 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 April 6, 2005 and was deemed complete as of April 6, 2005. An "Opportunity to Comment" notice was mailed on April 14, 2005 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. The comment period was open for fourteen days. No written comments were received. A copy of the Opportunity to Comment letter and the mailing list are in the file.

Procedures met.

4. CODE COMPLIANCE AND APPLICATIONS

MCC 37.0560: The County shall not approve any application for a permit or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.

Staff: Staff performed a site visit on May 2, 2005 and did not observe any violations of the code on site. No complaints have been received regarding the subject property and there is no indication that there is any compliance issue for this property.

The property is in full compliance.

5. THE PROPERTY IS A LOT OF RECORD

MCC 36.2870(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
- (6) May 16, 2002, Lot of Record section amended, Ord. 982.

Staff: The property was found to be a lot of record in Casefile T2-03-028. The property has not been reconfigured since the approval of T2-03-028 on June 13, 2003. The property remains a Lot of Record. A copy of decision T2-03-028 is in the file.

Criteria met.

6. MULTIPLE USE AGRICULTURE – 20 ZONE DISTRICT TEMPORARY USES

MCC 36.2825 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: For a Temporary health hardship the applicable criteria are listed under MCC 36.0515. Findings for these criteria can be found in the following section.

7. TEMPORARY HEALTH HARDSHIP PERMIT RENEWAL

Staff: The Health Hardship dwelling was previously permitted for use on the site through June 13, 2005 in casefile T2-03-028. The only standards of MCC 36.0515 that are applicable to a request to renew the health hardship permit are the criteria in MCC 36.0515(A)(6).

7.6 MCC 33.0515(A)(6) As a condition of approval, every two years from the approval date the applicant shall submit:

- (a) A recent (within 6 months prior to the two year deadline) physician's statement verifying that the situation described in (2) above still exists; and
- (b) A letter from the care provider describing the continuing assistance being given.

Staff: The applicant provided the information required by this section. This information is confidential health-related information and is included in the file.

Criteria met.

8. POLICY 37- UTILITIES

8.1 The portion of this policy applicable to the subject request is under the heading “Water and Disposal System”

8.2 Water and Disposal System

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity;
or
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. Shall have an adequate private water system and a public sewer with adequate capacity.

Staff: The health hardship dwelling is served by the same utility facilities approved through case T2-03-028 which included public water and an on-site subsurface sewage disposal system. The DEQ has delegated the authority inside Multnomah County to issue subsurface sewage disposal permits for residential uses to the City of Portland Sanitarian’s office. The City of Portland Sanitarian authorized the Health Hardship Dwelling to connect to the existing subsurface sanitary facility as part of the original approval in case T2-03-028, a copy of which is in the file for this case. This authorization did not state whether or not the system needs to be reviewed each time the Health Hardship Dwelling permit is renewed. The subject renewal application was not reviewed by the Sanitarian. Staff contacted the Sanitarian’s office to determine whether or not that office must review the application for renewal. Staff was informed verbally on May 13, 2005 by Mike Ebling that the Sanitarian’s office only needs to review the septic system for a Health Hardship Dwelling every five years. Since the previous approval from the Sanitarian was dated 4-24-03, no further review by the Sanitarian is needed at this time.

Verbal instructions from Mike Ebling would result in the septic system needing a new review by 4-24-08. If the applicant applies for an additional renewal (for 2007 through 2009), the Sanitarian’s office will need to review their proposal.

Policy met.

9. EXHIBITS

- A. Signed application form.**
- B. Copy of Notice of Decision from T2-03-028.**
- C. Assessment and Taxation information showing current ownership**