



MULTNOMAH COUNTY
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/landuse>

CORRECTED NOTICE OF DECISION

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

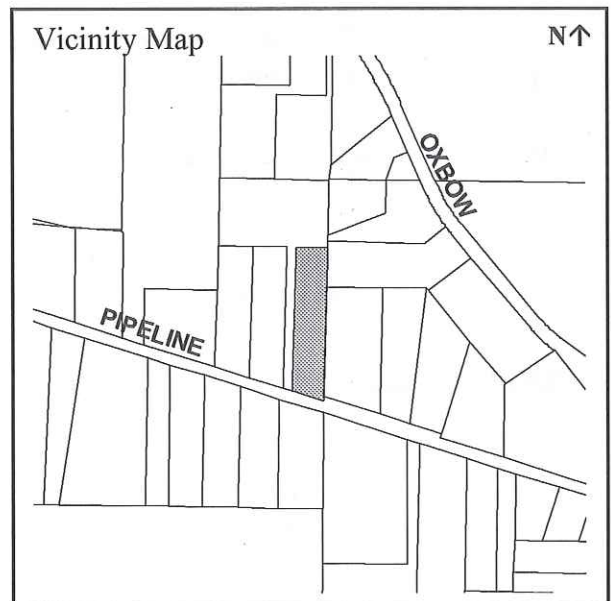
Case File: T2-2011-1572

Permit: Health Hardship Renewal

Location: 32129 SE Pipeline Road
TL 100, Sec 17AD, T 1S, R 4E, W.M.
Tax Account #R994170730

Applicant: Steven & Susan Overby

Owner: Steven & Susan Overby
Bettie and Richard Mills



Summary: A request for continued use of the existing manufactured dwelling in conjunction with a health hardship for relatives of the property owners until June 13, 2013.

Decision: Approved with conditions.

Unless appealed, this decision is effective Thursday, July 14, 2011, at 4:00 PM.

Issued by:

By: 

Kevin C. Cook, Planner

For: Karen Schilling- Planning Director

Date: Thursday, June 30, 2011

Opportunity to Review the Record: A copy of the Planning Director's 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 Kevin Cook, Staff Planner at 503-988-3043 ext. 26782.

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 Thursday, July 14, 2011 at 4:00 pm.

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

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/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. **This land use permit expires June 13, 2013. The property owners may request to extend the timeframe within which this permit is valid, as provided under MCC 36.0515(A). A request for permit extension must be submitted prior to the expiration date of this 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 and Richard Mills (a married couple) who are to be cared for by Bettie Mills' daughter, Susan Overby, and son-in-law, Steven 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 (Medical Verification Form) 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 neither Bettie Mills nor Richard Mills 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

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

Request & Background

Staff: The application is for the renewal of a temporary Health Hardship Permit for the existing manufactured home to house Mrs. Overby’s parents, Bettie Mills and Richard Mills, on the subject property in the Multiple Use Agriculture – 20 zone. The Health Hardship dwelling was previously permitted for use on the site through June 13, 2005 by land use application, T2-03-028. The permit has been previously renewed through file T2-05-035, T2-07-036, and T2-09-015. Originally, Bettie Mills was the only person receiving care under this permit. Verification has been submitted indicating that Richard Mills, Bettie Mills’ husband, is also in need of care; this permit recognizes the validity of the Health Hardship Permit for both Bettie Mills and Richard Mills.

1.00 Administration and Procedures

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 April 13, 2011 and was deemed complete as of April 13, 2011. An “Opportunity to Comment” notice was mailed on May 31, 2011 to all property owners within 750 feet of the subject property in compliance with MCC 37.0530. No written comments were received.

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 manufactured dwelling is located on Tax Lot 100, Section 17AD, Township: 1 South, Range: 4 East. Assessment & Taxation records show that the land is owned by Steve & Sue Overby. Steve Overby 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 MCC 37.0560 Code Compliance And Applications.

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, 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.

Staff: There are no known violations at this time.

2.00 Multiple Use Agriculture – 20 Criteria

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 applicable criteria are listed under MCC 36.0515 for a Temporary Health Hardship Permit. Findings for these criteria can be found in the following section.

2.01 Temporary Health Hardship Renewal Criteria

Staff: 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).

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 documenting that both Bettie Mills and Richard Mills are unable to adequately provide daily self-care due to a physical/medical impairment and that the Overby's are able to provide the assistance required. This information is confidential health-related information and is included in the file.

3.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary to extend the Temporary Health Hardship Permit on the subject property until June 13, 2013 subject to the conditions of approval established in this report.

4.00 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	4/13/2011
A.2	1	Cover Letter	4/13/2011
A.3	1	Health Hardship Verification Form for Richard Mills signed by Wei-hsung Lin, MD	4/13/2011
A.4	1	Health Hardship Verification Form for Bettie Mills signed by Wei-hsung Lin, MD	4/13/2011
'B'		Staff Exhibits	Date of Document
B.1	2	A&T Property Information for 1S4E17AD – 00100	4/13/2011
'C'		Administration & Procedures	Date

C.1	1	Complete Letter – Day 1	5/27/2011
C.2	1	Opportunity to Comment	5/31/2011