
1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH (503) 988-3043 • Fax (503) 988-3389

Notice of Hearings Officer Decision

Attached please find notice of the Hearings Officer's decision in the matter of **T3-2024-0004** issued and mailed **12/31/2024**. This notice is being mailed to those persons entitled to receive notice under MCC 39.1170(D).

The Hearings Officer's Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record.

Appeal instructions and forms are available from:

Land Use Board of Appeals
775 Summer Street NE, Suite 330
Salem, Oregon 97301

503-373-1265
www.oregon.gov/LUBA

For further information call the Multnomah County Land Use Planning Division at: 503-988-3043.

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DECISION OF THE HEARINGS OFFICER

Request for a Variance to the 30-foot front yard adjacent to SE Dodge Park Blvd right-of-way and 30-foot rear yard adjacent to 1S4E20AC-01400 (see Exhibit B.2) for a remodel and addition to an existing single-family dwelling that will be located 4.33 feet from the right-of-way at its nearest point, and 5.71 feet from the rear property line at its nearest point. In addition, the applicant requests a Lot of Record Verification.

Case File: T3-2024-0004

Applicant: Jeff Waldien

Location: 31522 SE Dodge Park Blvd; Map, Tax lot: 1S4E20AC -01100

Base Zone: Pleasant Home Rural Center (PH-RC)

Overlay None

Public Hearing: The hearing was opened at 10:30 a.m. on December 13, 2024. The hearing was held virtually. There was no request to keep the record open so the record was closed after the hearing.

Testified at the Hearing: Anna Shank-Root, County planner
Jeff Waldien, applicant

Summary: Application for a variance to remodel and expand an existing single-family dwelling and a lot of record determination.

Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions Lot of Record: General Provisions: MCC 39.3005

Lot of Record – Generally, MCC 39.3120 Lot of Record – Pleasant Home Rural Center (PH-RC):

Pleasant Home Rural Center (PH-RC): MCC 39.4510(C) Residential use consisting of a single-family dwelling, MCC 39.4525(B), (C), (E), (F), and (G) Dimensional Requirements and Development Standards Variance Criteria: 39.8200 Adjustments and

Variances; Generally, MCC 39.8205(B), (C) Scope, Variances, MCC 39.8215 Variance Approval Criteria

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link Chapter 39: Multnomah County Zoning Code and at <https://multco.us/landuse/comprehensive-plan> under the link Multnomah County Comprehensive Plan.

DECISION: At the hearing, only the County Planner and the applicant testified. There was no other testimony either in favor or opposed to the application. The neighbor, Jimmy Warren, who owns the lot where the septic system will be located, attended but did not testify. The testimony of the County Planner and the staff report recommended approval of the application.

I find that the application for the variance and lot of record determination as described in the staff report is **APPROVED** as conditioned below.

FINDINGS: As findings for this decision, I adopt the County Staff report dated December 3, 2024, and all exhibits referred to in that staff report as found on the County Webpage: https://multco.us/file/t3-2024-0004_staff_report/download

CONDITIONS: The following conditions, as found in the Staff Report, are necessary for approval of the application.

1. Permit Expiration – This land use permit shall expire as follows:

a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]

i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.

ii. For purposes of 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T3-2024-0004 referenced in the subject line.

b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]

i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T3-2024-0004 referenced in the subject line. [MCC 39.1185]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. 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. [MCC 39.1170(B)]

3. Prior to submitting Building Plans for Zoning Review, the property owner(s) or their representatives shall:

a. Record the conditions of approval of this Decision herein set forth and Exhibit A.2 with the County Recorder. The Hearings Officer's Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy of the recorded document shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]

b. The property owners shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement will be provided to assist you. The signed document shall be sent to Anna Shank-Root at

anna.shank-root5@multco.us. [MCC 39.1170(A) & (B)]

4. When submitting Building Plans for Zoning Review, the property owner(s) or their representatives shall:

- a. Provide a copy of a notarized and recorded easement that has been approved by City of Portland Septic Sanitation staff providing for permanent ongoing use of the necessary area on tax lot 1S4E20AC-01400 (the property to the south) for septic lines, drainfield, and replacement drainfield areas.
- b. Provide a lighting plan indicating the location of all existing and proposed exterior lights on the property and fixture specifications for each light identified on the lighting plan.
- c. Obtain a driveway permit, a driveway permit from Multnomah County Transportation Planning for the access that has not been previously approved.

5. Prior to Certificate of Occupancy, the property owners or their representative shall have the distance from the edge of the eaves to the front and rear property lines measured by an Oregon Licensed Surveyor to demonstrate that the building meets the reduced Yards granted by the Hearing Officer. The document provided by the surveyor shall contain their stamp and signature and a copy of the document provided to Land Use Planning. [MCC 39.1170(A) & (B)]

6. As an on-going condition, the property owner(s) shall:

a. Maintain the existing row of arborvitae or a similar buffer along the southern border of the property in perpetuity. If the existing row of arborvitae is to be replaced with a similar buffer, approval of that replacement buffer by Land Use Planning staff shall be required. The minimum size of the vegetation used for a replacement buffer shall be at least 5 gallons in size or larger depending on the type of proposed vegetation and its growth rate.

- i. If an arborvitae becomes diseased or dies, it shall be replaced within the next planting season with a 5-gallon arborvitae unless the entire hedge is to be replaced. Replacement of hedge shall occur by the end of the next planting season.

b. The removal of over 75% of the standing walls and roof structure of the existing dwelling, building or structure qualifies as a replacement dwelling. The replacement of the dwelling shall mean that the septic system (tank, lines, drainfield) shall be placed on the Lot of Record and not within an easement area as required by MCC 39.4525(E). [MCC 39.2000 Definitions, Replacement]

c. The single-family dwelling shall be placed so that there is at least a minimum of 4.33 ft from the edge of eaves to the front property line, a minimum of 5.71 ft from edge of eaves to the rear property line and 10-ft from edge of eaves to the side property lines. [MCC 39.4525(B), MCC 39.1170(A) & (B)]

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

7. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting Building Plans for Zoning Review...” Be ready to demonstrate compliance with the conditions.

8. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting Building Plans for Zoning Review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review. Once you have obtained an approved zoning review, application for building permits may be made with the City of Gresham.

Dated this 31st day of December 2024

Alan A Rappleyea

Alan A. Rappleyea
Multnomah County Land Use Hearings Officer

This Decision is final when mailed. Appeals may be filed with the Oregon Land Use Board of Appeals within the time frames allowed by State law.