



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Temporary Dwelling for Care

File No. Z0332-24

Applicant's Proposal: Renewal of a permit for temporary placement of a Manufactured Home, in addition to the existing permanent dwelling, for the provision of care to a relative due to an age-related or medical condition. The care recipient will reside in the temporary dwelling. The care provider will reside in the permanent dwelling.

Decision Date: September 18, 2024

Deadline for Filing Appeal: September 30, 2024, at 4:00 pm.

Issued By : Michelle Salo-Reiter, Planner I, MSalo@clackamas.us

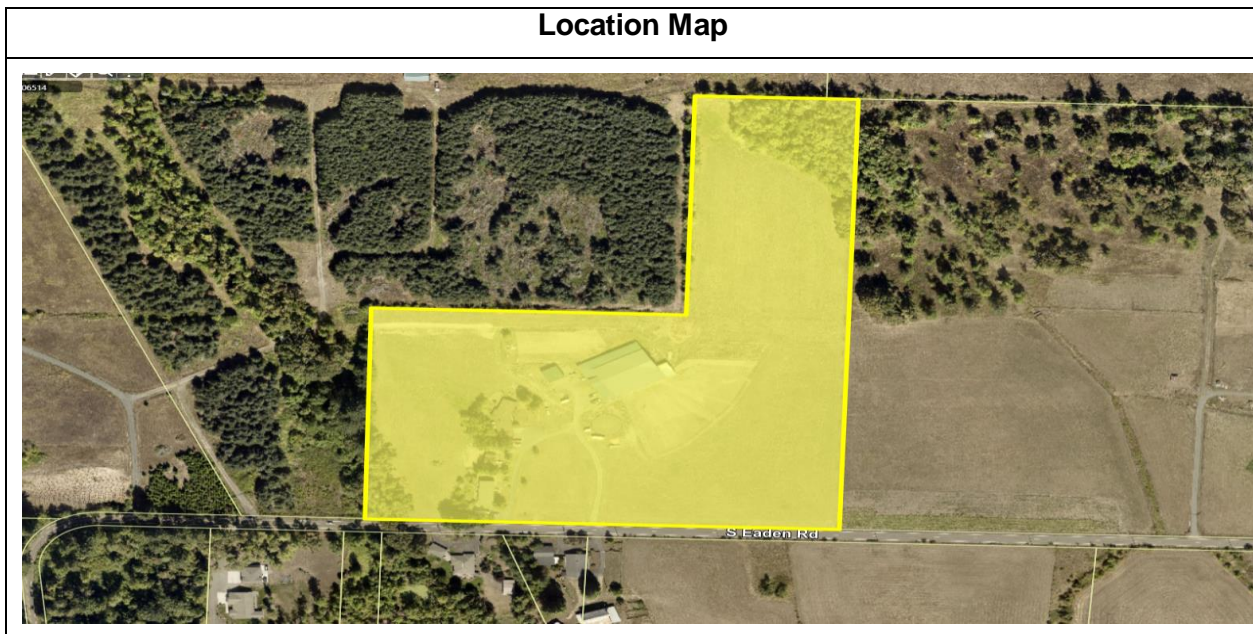
Applicant: Cody Ross

Owner of Property: Loren & Darcy Powers

Zoning: EFU-Exclusive Farm Use

Assessor's Map & Tax Lot(s): T2S R3E Section 35 Tax Lot 00701

Site Address: 22355 S Eaden Rd, Oregon City, OR 97045



Community Planning Organization (CPO) for Area:

Redland – Fischers Mill-Viola

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://accela.clackamas.us/citizenaccess/>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

Appeal Rights: **This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal.** Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at www.clackamas.us/planning/supplemental.html and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

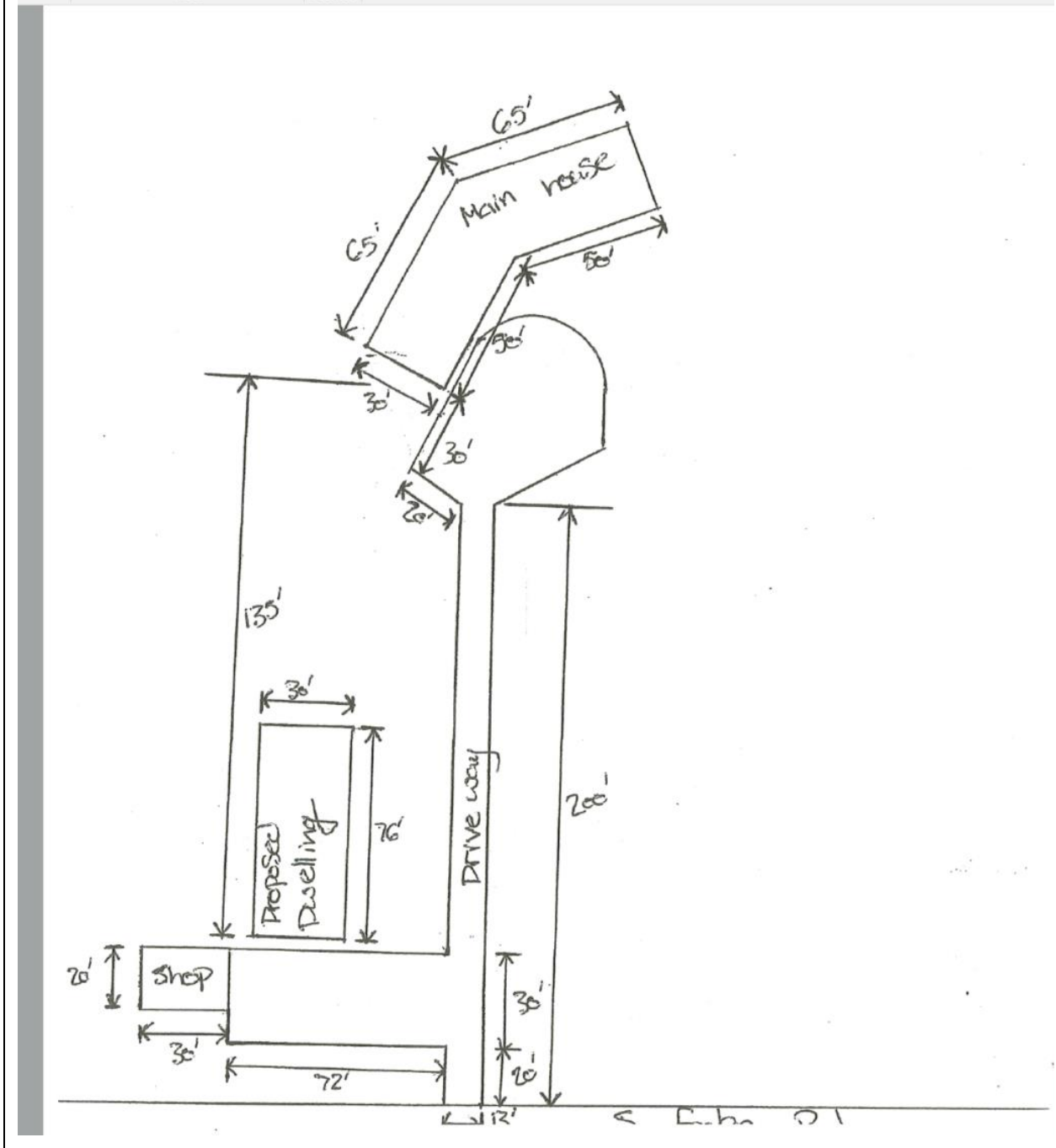
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통?

Site Plan



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 parentheses.

1. General: Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 8/12/2024. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with these documents and the limitation of any approval resulting from the decision described herein.
2. Approval Period: Approval of this Temporary Dwelling for Care permit is valid for 2 years from the date of the final decision. Unless an appeal is filed, the date of the final decision is the "decision date" listed above. The permit may be eligible to be renewed, subject to compliance with the regulations in effect at that time. (ZDO 1204.04.D)
3. Occupancy: The temporary dwelling shall be occupied by Cody & Ashley Ross, the care provider. The permanent dwelling shall be occupied by Mertis Shelley, the care recipient. (ZDO 1204.04.A.2 and 3)
4. Wastewater: The temporary dwelling shall continue to be connected to an on-site wastewater treatment system approved by the County. The temporary dwelling shall continue to use the same on-site wastewater treatment system used by the permanent dwelling. **Within 30 days of the date of this decision**, the applicant shall contact the County's Septic & Onsite Wastewater Program at 503-742-4740 or SoilsConcern@clackamas.us to apply for an Authorization Notice. Any septic system that serves a single-family dwelling and is connected to the temporary dwelling must be reviewed every five years, in accordance with state law to ensure that the system is functioning, safe and properly maintained. The last documented Authorization Notice was approved on 01/07/21 under permit SE055920 (ZDO 1204.04.C.1)
5. Setbacks: The temporary dwelling shall continue to comply with the minimum setback standards for primary buildings in the EFU zoning district. (ZDO 1204.04.C.2)
6. Utilities / Services: All water, electricity, natural gas, and sanitary sewer service for the temporary dwelling shall continue to be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. (ZDO 1204.04.C.3)
7. Driveway Access: The temporary dwelling shall continue to use the same driveway entrance as the permanent dwelling. (ZDO 1204.04.C.4)
8. Separation Distance: The temporary dwelling shall continue to be located within 100 feet of the permanent dwelling (measured from the closest portion of each structure). (ZDO 1204.04.C.5)
9. Rental Income: The temporary dwelling shall not be a source of rental income. (ZDO 1204.04.C.7)
10. Removal / Storage: If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject property when the permit expires or the need for care ceases, whichever first occurs. An exception to this provision may be granted if a temporary manufactured dwelling is converted to a permanent dwelling. Such a conversion shall only be allowed if the temporary dwelling complies with all applicable requirements of the Zoning and Development Ordinance for a permanent dwelling, including any that limit the number of dwelling units permitted on the subject property. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. A recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatment system and all utilities other than temporary electrical connections for heating necessary to avoid physical

deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance. (ZDO 1204.04.C.8)

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 401, 1204 and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 750 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. No comments received

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. **Project Overview**: The applicant is proposing to renew a permit for a Temporary Dwelling for Care to continue to authorize the temporary placement of a manufactured dwelling, in addition to the primary dwelling, for the provision of care. The care recipient, Mertis Shelley, will continue to reside in the Permanent Dwelling. The care providers, Cody & Ashley Ross will continue to reside in the Temporary Dwelling. The temporary dwelling was first approved was last renewed on 08/09/22 under land use File Z0293-22.

2. **ZDO Section 1204, Temporary Permits**

1204.04 TEMPORARY DWELLING FOR CARE

C. A temporary permit for a dwelling for care shall be subject to the following conditions of approval:

Finding: Subsection 1204.04(C) goes on to identify a list of mandatory conditions of approval, with limited exceptions, all of which were evaluated when the permit was last approved. Conditions of approval require ongoing compliance.

As conditioned, this criterion is met.

D. A temporary permit for a dwelling for care may be approved for a period not to exceed two years in the EFU, TBR, and AG/F Districts and for a period not to exceed three years in any other zoning district. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed two years in the

EFU, TBR, and AG/F Districts and three years in any other zoning district. A temporary permit for a dwelling for care may be renewed an unlimited number of times.

Finding: *The subject property is located in the EFU District. A condition of approval limits the renewal permit approval period to a maximum of 2 years.*

This criterion is met.

E. In lieu of Subsections 1204.04(A) and (B), a renewal application shall be subject to the following standards and criteria:

1. The circumstances that provided the basis on which the previous permit was granted remain substantially similar.

Finding: Staff has evaluated the submitted renewal application materials, and finds that the circumstances that provided the basis on which a previous permit was granted (under file Z0293-22) continue to remain substantially similar. Applicable Conditions of Approval that are the same conditions from the previous approval are outline above to ensure that those circumstances continue to remain substantially similar.

A condition of approval requires that the temporary and permanent dwellings continue to be occupied by the care provider and the care recipient, respectively.

As conditioned, this criterion is met.

2. A renewal application shall be accompanied by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient and substantiate that the level of assistance required is substantially similar to, or greater than, the level required when the previous permit was granted.

Finding: *The applicant has provided a signed statement from **DANIEL TAMSHIRO MD**, a licensed healthcare provider. The statement is dated 07/10/24, which is within 90 days preceding the date this application for renewal of a temporary dwelling for care was submitted on 08/12/24. The statement identifies that **MERTIS SHELLEY** is the care recipient and the level of assistance is substantially similar to, or greater than, the level required when the previous permit was granted.*

This criterion is met.

F. An application shall be evaluated as a renewal application rather than a new application if the permit is requested for the same lot of record or tract and the same care recipient as the previous permit.

Finding: This application qualifies to be evaluated as a renewal application because the property identified on Page 1 of this decision is the same lot of record for which the prior permit under File Z0293-22 was approved, and the care recipient, **MERTIS SHELLEY**, remains the same.

This criterion is met