

**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

Regarding an Application to Demolish a)	Case File No.
Historic Building.)	Z0009-17-PDR
)	(Matveev – Oatfield House)

A. SUMMARY

1. The owner is Dimitri Matveev. The applicant is Paul Matveev.
2. The subject property is located at 14928 Southeast Oatfield Road, Milwaukie, OR 97267. The legal description is T2S, R1E, Section 12AA, Tax Lot 7700, W.M. The subject property is approximately .85 acres and is zoned R 8.5 – Urban Low Density Residential.
3. On April 20, 2017, the Hearings Officer conducted a public hearing to receive testimony and evidence about the application.

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony at the public hearing about this application on April 20, 2017. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.
2. At the hearing, county planner Linda Priesz discussed the staff report and recommended approval of the application.
3. The applicant testified in support of the application.
4. Mike Schmeer, Pat Kennedy, and Lisa Bentley testified in opposition to the application.

5. At the conclusion of the public hearing, the Hearings Officer closed the record.

C. FACTS

The subject property includes the Oatfield House – a designated Historic Landmark. The applicant wishes to demolish the house as it is in a state of disrepair. Opponents want the house to be saved or to allow for additional time for efforts to find another location for the home.

D. DISCUSSION

On April 24, 2017, the applicant submitted a letter seeking to withdraw his application. The applicant is entitled to withdraw the application. Therefore, the application is withdrawn and no decision on the merits is warranted.

DATED this 26th day of April, 2017.



Fred Wilson
Clackamas County Hearings Officer

ENDANGERED SPECIES ACT NOTICE

The federal Endangered Species Act (ESA) is not a criterion for approval of this application. The County has reviewed the approval standards in light of the requirements of the ESA, believes that the criteria for approval are consistent with the terms of the ESA and has submitted the Development Ordinances for consideration for a "4(d)" programmatic limitation. However, the analysis included in this decision does not include an evaluation by the County of the applications for consistency with the ESA nor does the decision reach any conclusions concerning that federal law. The applicant are responsible for designing, constructing, operating and maintaining the activities allowed by an approval of this application in a manner that ensures compliance with the ESA. Any question concerning this issue should be directed to the applicant, their consultants and the federal agencies responsible for administration and enforcement of the ESA for the affected species.

APPEAL RIGHTS

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision will be "final" for purposes of a LUBA appeal as of the date of mailing (which date appears on the last page herein).