



## **MULTNOMAH COUNTY OREGON**

### **LAND USE AND TRANSPORTATION PROGRAM**

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

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[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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# **NOTICE OF DECISION**

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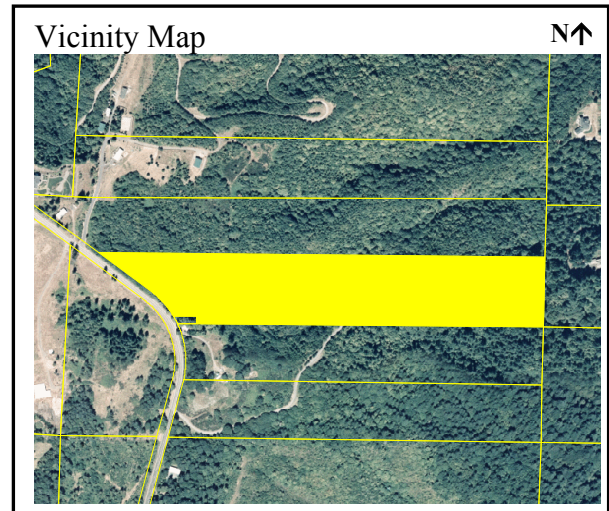
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-03-058

**Permit:** Modification of a previous Significant Environmental Concern Permit and a new Planning Director's Decision on property located at 16820 NW Skyline Blvd (permit modification and extension)

**Location:** 16820 NW Skyline Blvd.  
TL 900, Sec 24B, T2N, R2W, W.M.  
Tax Account #R97224-0240

**Applicant/** Roger and Carol Wilkerson  
**Owner:** 16820 NW Skyline Blvd.  
Portland, Oregon 97231



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**Summary:** This is a request to extend the two year approval granted by a Significant Environmental Concern permit in 2001 (Case T2-01-032) and to alter the architectural design of the replacement dwelling reviewed in that 2001 permit. This extension request will be evaluated against the Type II permit extension standards of **MCC 37.0700**. Exterior modification to the structure requires new review of the Significant Environmental Concern View standards (**MCC 33.4565**).

**Decision:** **Approved, with conditions.**

**Unless appealed, this decision is effective Friday, February 27 2004 at 4:30 PM.**

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Issued by:

By: \_\_\_\_\_  
Adam Barber, Planner

For: Karen Schilling - Planning  
Director

Date: Friday, February 13, 2004

**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 Adam Barber, 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 filed before 2/15/04 requires a \$108 fee and must state the specific legal grounds on which it is based. An appeal filed on or after 2/15/04 requires a \$250 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 **Friday, February 27, 2004 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): **37.0690**, Expiration and Extension of a Type II Decisions in the CFU zones; **33.4520**, Application for SEC Permit; **33.4565**, Criteria of Approval of SEC-v; **33.2260**, CFU-2 Dimensional Requirement; Chapter 37, Administration and Procedures.

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 37.0690**, **this land use permit expires one year from the date the decision is final** if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. If no appeal is filed, this decision will expire February 27, 2005.

### **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 property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval with the Multnomah County Recorder within 30 days of the date this decision becomes final. This decision will become final Friday, February 27, 2004 at 4:30 pm if no appeal is filed. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to the building permit sign-off (MCC 37.0670).**

2. Prior to building permit sign-off, the applicant/property owner shall complete a replacement dwelling agreement, confirming that they agree to remove the existing residence within 30 days of occupancy of the new dwelling **(MCC 33.2220(E))**.
3. The applicant/property owner shall ensure that all grading work attributed to this development is conducted in accordance with the provisions of grading and erosion control permit #T1-03-034.
4. Exterior lighting, shall be directed downward and sited, hooded and shielded such that it is not highly visible from viewing areas to the east. Shielding and hooding materials shall be composed of non-reflective, opaque materials **(MCC 33.4565(C)(3))**.
5. Exterior colors for the replacement dwelling shall be an equivalent to the muted medium to dark green color by Sherwin Williams (SW 3009) proposed for the dwelling, roof and all trim. The applicant/property owner shall not vary from these colors without advance written confirmation from Multnomah County Land Use Planning that the alternate method of treatment involves the use of dark natural or dark earth-tone **(MCC 33.4565(C)(2))**.
6. Only non-reflective or low reflective building materials are to be used in the construction of the exterior of the residence. For the purpose of this decision, windows with a reflectivity rating less than or equal to 15 percent qualify as low reflective materials **(MCC 33.4565(C)(2))**.
7. A setback of at least 130-ft between the structure and the north and south property lines shall be met **(MCC 33.2260(C))**.

## **DECISION OF THE PLANNING DIRECTOR**

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### **Findings of Fact**

#### **Summary of Request**

1. Staff: In 2001, The Multnomah County Planning Department approved a request to replace an existing manufactured home with a new 4,500 square foot residence and extend an existing driveway at 16820 NW Skyline Boulevard. This approval was in the form of a Significant Environmental Concern permit (T2-01-032) which expired September 27, 2003 – two years after the permit became effective. An associated Grading and Erosion Control Permit was also issued in 2001 to address the ground disturbance required to build the replacement dwelling and to extend the driveway. This erosion control permit is referred to as case T1-01-013.

A decision approving development on Commercial Forest Use Land is void two years from the date of final decision if development action is not initiated in that period (**MCC 33.0690(A)**). The applicant submitted a 12-month extension request for Significant Environmental Concern Permit T2-01-032 eight days before the approval expired. The reason for the request was financial in nature specifically referencing unexpected drops in stock worth. These financial constraints not only stalled construction but required cost saving alterations to the structural design of the replacement dwelling. This staff report will determine if the changes to the proposal still meet the relevant approval criteria.

The location of the proposed structure has not been changed and the footprint of the structure has actually been reduced from 4,500 to 3,500 square feet in area. The proposed exterior alterations to the structure now require re-evaluation of the Significant Environmental Concern for view standards of **MCC 33.4565**. The proposed changes to construction, as they impact erosion potential, were evaluated and approved on August 28, 2003 in Grading and Erosion Control Permit T1-03-034.

#### **Vicinity and Property Description**

2. Staff: The applicant's property is roughly 19 acres in size, located east of NW Skyline Boulevard approximately one-half mile north of the intersection of Skyline Boulevard and Rock Creek Road. Existing development includes a manufactured residence and agricultural building. Vehicle access is obtained by an existing gravel driveway extending northeast from Skyline Boulevard through two privately owned properties before terminating at the subject site (Exhibit A1).

The property is substantially forested except for a clearing, roughly in the center of the property, containing the existing development. This clear area is on a gradual to moderately sloped knoll that extends into the property from the southwest (pitching to the southeast) and is roughly 450-feet long by 150-feet wide. Slopes along the north side of the clearing are the most severe, dropping in elevation to the north towards an existing creek. The drop in elevation to the east, northeast and south is much more gradual (Exhibit A2).

County zoning maps indicate that the area within which the parcel is located is zoned Commercial Forest Use (CFU-2), a designation that has been established for lands suitable for commercial forest operations (Exhibit A3). Properties adjoining the applicant's site are similarly zoned and are of comparable size. Slopes on neighboring lands are generally moderate to severe and most are forested. Several of the properties in the vicinity are residentially developed.

## **Extension of a Type II Decision in CFU Zones**

3. A decision approving development on land zoned for Exclusive Farm Use or Commercial Forest Use outside of an urban growth boundary is void two years from the date of the final decision if the development action is not initiated in that period. The Planning Director may grant one extension period of up to 12 months if:

- 3.1 An applicant makes a written request for an extension of the development approval period **(MCC 37.0690(A)(1))**;

Staff: The applicant has submitted written narrative requesting the extension and explaining the basis for the request. A written request was submitted by the applicant and is presented as Exhibit A4.

- 3.2 The request is submitted to the county prior to the expiration of the approval period **(MCC 37.0690(A)(2))**;

Staff: The written request for the extension was filed on September 19, 2003 as evident on the date stamp placed on the permit application form (Exhibit A5). The original SEC decision expired eight days after the written request was submitted. This criterion is met.

- 3.3 The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period **(MCC 37.0690(A)(3))**; and

*Applicant: "The reason for requesting the extension is financial. The stock which we had planned to use for part of the construction costs for our residence is not worth as much now as it was two years ago...In 2000, when we started planning for our new home, the stock market was doing very well. We applied for our SEC permit April, 2001 and received the permit September 27, 2001, too late to start construction.*

*In June, 2002, which would have been the earliest we could have started construction, the stock was heading down again. Intel bonuses, a substantial part of our income, was decreasing. There were layoffs, and we were not sure how they would affect us. We did not want to start construction if we were not sure of job security. Interest on our other savings investments was nearly nothing.*

*In June, 2003, we no longer had the financial cushion we had when we originally started planning to build. We were still feeling the pinch from no substantial bonuses or interest on savings. Intel stock was on the rise again, but job cutbacks were still happening. We have since scaled back the size of the home to cut costs."*

Staff: The applicant has stated, in detail, the reasons that prevented the development from commencing during the allowed period.

- 3.4 The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible **(MCC 37.0690(A)(4))**;

Staff: The applicant received approval to begin construction of the replacement dwelling September 27, 2001. A condition of that approval (Case T2-01-032) was that ground disturbance only can occur between June 15 and September 15 within the stream conservation area – a significant portion of the construction area. A map of the stream conservation area is presented as Exhibit A6. Since the permit was issued after the available construction window, the applicant could not immediately begin construction but needed to wait a minimum of approximately 8.5 months. Due to required protection to the stream conservation area, the applicant experienced a significant delay beyond their control.

Compounding this delay was an unforeseen drop in Intel stock value held by the applicant. Careful comparison of relevant timelines pertaining to the previous decision illustrates the value of Intel Corp. stock held by the applicant was measurably reduced in value between the planning phase of the project and the available construction window. Staff finds the applicant had no control over these financial trends and that it is reasonable to conclude that these trends negatively impacted the financial feasibility of the entire project.

- 3.5 Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision (**MCC 37.0690(A)(5)**);

Staff: It is acknowledged that the request for an extension is a non-appealable administrative decision. This decision could be appealed as it also evaluates discretionary Significant Environmental Concern standards related to the change in design evaluated within the following sections of this report.

- 3.6 Additional one year extensions may be authorized where applicable criteria for the decision have not changed (**MCC 37.0690(A)(6)**);

Staff: A one year extension has been requested and it is a one year extension that will be granted. Applicable approval criteria have not changed since the issuance of the original SEC decision in September of 2001.

### **Significant Environmental Concern (View)**

4. All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in **MCC 33.4515**, shall be subject to an SEC permit.

Staff: The alterations to the exterior of the replacement dwelling do not fall under the exemptions provided in **MCC 33.4515**; therefore, this proposal requires review of consistency with the scenic view standards listed in **MCC 33.4565** as the development area falls within the SEC view zoning overlay. The project area is also mapped within a known SEC habitat and stream conservation area. Compliance with these criteria were evaluated and approved in 2001. Since the proposed footprint will be reduced by 1,000 square feet, staff finds the potential for adverse impacts to both resources will be reduced and does not need to be evaluated in detail. This determination was made using the logic that less ground disturbance than was previously reviewed would remove less vegetation and destroy the soil structure over a smaller area leading to less erosion potential. It should be noted that the erosion potential of the new proposal was recently reviewed and approved during the summer of 2003.

5. An application for a SEC view permit shall include written narrative and the plan entities listed in **MCC 33.4520(A)(1) and (2) and 33.4565(B)**.

Staff: The applicant has submitted a narrative description of the proposal sufficient to fulfill the requirements of **MCC 33.4520(A)(1) and (2) and 33.4565(B)**. A written description of the proposal, outlining how the proposal will be visually subordinate, is presented as Exhibit A7. The plans outlining the changes to topography are presented as Exhibit A8, the building materials proposed, the structure's form and the proposed building materials are illustrated on the structural elevations submitted by the applicant (Exhibit A9).

6. Development visible from an identified viewing area shall be sited on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas (**MCC 33.4565(C)(1)**).

*Applicant: "The one story home with daylight basement is built into the hillside, camouflaging itself in the natural lay of the land. The Sauvie Island Wildlife Refuge and the Multnomah Channel are areas where the house might be visible. It will be difficult to see the entire dwelling from either the Multnomah Channel or the Sauvie Island Refuge. There are many areas within both where you will not be able to see the dwelling at all. In those areas where it will be visible, it will be extremely difficult to spot because of the broken/uneven (not flat) line of the front wall of the home. The medium earth tone color will further obscure the home within the surrounding natural native plant and tree vegetation. The tree line below the proposed dwelling will serve as an additional buffer in the line of sight from areas on Sauvie Island...The existing fir and alder growth will provide adequate screening year round.*

*We are not creating any new access roads. No trees or vegetation (beyond existing lawn grass) will be disturbed. The site where the replacement dwelling will be much less visible than the existing dwelling. Every attempt at keeping all existing environmental habitats intact have been implemented. By siting the new structure close to the existing structure and, therefore, not adding any additional development around the property and designing the structure to be integrated into the landscape, we have more than satisfied the ideals of protecting the natural habitats and the scenic aspect of the area and surrounding areas."*

Staff: The development area is located at approximately 880-ft above Mean Sea Level on ground sloping 15% to the east. Below (east) of the development area, the slope quickly increases in steepness to over 40% grade. The development area slopes towards Sauvie Island located a little less than 2 miles to the northeast at its closest point. Sauvie Island is an identified viewing area within the Significant Environmental Concern ordinance (**MCC 33.4565(A)(2)**). Although Highway 30 (another key viewing area) is located 1.4 miles to the northeast, views of the property are obstructed by highway 30 by mature evergreen tree cover. This is evident in photos taken from each of the local identified viewing areas, presented as Exhibit A10.

The Sauvie Island/Multnomah Channel areas are the identified viewing areas from which the development will be most visible – although from a substantial distance. We concur with the applicant's explanation as to how this criterion has been satisfied mainly because the dwelling will not be located at the topographic apex of the property. This will help prevent silhouetting while allowing existing vegetation downhill of the proposed dwelling to partially screen the development. Photos of the trees downhill of the development are presented as Exhibit A10. The photos were taken from the center of the proposed building pad.

Contrary to the applicant's narrative, the existing access road will be extended downhill to the proposed building envelope. As shown on their site plans (Exhibit A8) approximately 130 feet of new driveway is to be constructed. This driveway extension should be adequately screened from the east by the new residence and existing, down slope, mature, evergreen vegetation.

7. Use of non-reflective or low reflective building materials and dark natural or earth tone colors **(MCC 33.4565(C)(2))**.

*Applicant: "The finished exterior will be earth tone colors with no reflective properties. A muted medium to dark green color by Sherwin Williams (SW 3009) has been suggested...Both the siding and the roofing materials will be metal with no reflective qualities. Both the siding and the roofing materials will be similar to the medium green (color). Window and door trim will be a muted medium complementary color to SW 3009. The specific metals have not been identified so specific colors are not available.*

Staff: The only side of the dwelling that will be partially visible from Sauvie Island will be the eastern side, or rear elevation as illustrated in Exhibit A9. Although, there are many windows along the upper and lower story of the eastern wall - approximately ½ of the windows are located along angular wall "pop outs" helping to minimize solar reflections by breaking up the angles of the structure.

A walkway transverses the rear half of the structure, wrapping around the southeastern side of the structure along the second floor. The railing around the walkway helps break up the mass of the structure as viewed from the east. The grey/green color shades identified on the applicant's color palates as Cyclone or Castor Green are dark earth-tones that satisfy this criterion. With respect to windows, it has been our experience that a reflectivity rating less than or equal to 15 percent, as proposed, is adequate to satisfy this criterion. It appears that the majority of the structure will be hidden behind existing evergreen trees located below the structure. The identified viewing areas of concern are almost two miles away, which will help keep the structure visually subordinate as a dark, earth toned, partially screened residence should not visually dominate the landscape as viewed by the naked eye from such a large distance. All exterior building materials proposed are low-reflective, dark natural colors. This approval is conditioned such that dark, earth-toned colors and low reflective building materials must be used.

8. No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of non-reflective, opaque materials **(MCC 33.4565(C)(3))**.

*Applicant: "All exterior lighting will be directed away from the identified viewing areas and will be hooded and shielded with nonreflective opaque materials so that it is not highly visible from the identified viewing areas."*

Staff: The nearest identified viewing area is Highway 30, located 1.4 miles from the site indicating that hooding exterior lighting should prove effective since the site isn't highly visible from any viewing area (including Highway 30) due to tree cover. Concerns of light pollution, as viewed from an identified viewing area, have been addressed with a condition of approval contained herein.

9. Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is



responsible for the proper maintenance and survival of any vegetation used for screening (**MCC 33.4565(C)(4)**).

*Applicant: "The existing fir and alder growth will provide appropriate screening."*

Staff: No trees are to be removed as a result of this project. Photographs taken by the applicant from key viewing areas on Sauvie Island demonstrate that the property is not easily seen given its distance from these sites (approximately 2 miles), and existing vegetation. Considering this and the type of construction proposed, there does not appear to be a need for additional screening vegetation. Photos presented as Exhibit A10 show the trees located just downhill of the development are evergreen and will provide year round partial screening for the structure as viewed from the southeast.

10. Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics (**MCC .4565(C)(5)**).

*Applicant: "The dwelling has been designed to blend in with its surroundings. The walls are offset/broken up into segments so they integrate more unobtrusively with the topography and vegetation...The home is built on the natural slope of the land so the lower level is a walk-out-design. The replacement dwelling will be sited close to the existing development so a minimum of grading will be required."*

Staff: This criterion has been met. As documented on the site plans (Exhibits A8), exterior elevations (Exhibit A9), and site photos (Exhibit A10) - the residence will naturally fit in to the hillside by locating on a topographic knoll containing a topographic rise behind the house in an area surrounded by mature evergreen trees. By locating the new residence close to the existing agricultural building on gently sloping land (approximately 15%), and using a walk-out architectural design, the applicant minimizes the amount of grading required. Staff finds that the building pad proposed is the shallowest sloping portion of the property that would be reasonable considering the location of the existing utilities and structures.

11. Limiting structure height to remain below the surrounding forest canopy level (**MCC .4565(C)(6)**).

*Applicant: "The height of the structure is below the forest canopy and its built-into-the-hill low profile is well below the skyline."*

Staff: Staff concurs. As evidenced with the applicant's site plans (Exhibit A8), exterior elevations (Exhibit A9) and photos taken from the building pad (Exhibit A10) the height of the proposed residence will remain below that of the surrounding forest canopy.

12. Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except (**MCC .4565(C)(7)**):

- 12.1. New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

- 12.1.1 The new facility could not be located in an existing transmission corridor or built upon an existing facility;
- 12.1.2 The facility is necessary for public service; and
- 12.1.3 The break in the skyline is the minimum necessary to provide the service.

*Applicant: “The building site is 180 ft. vertically below the Skyline ridge”*

Staff: A new communication facility is not proposed. Staff performed a trigonometric analysis to mathematically determine how tall the new residence would need to be to extend above the topography behind the house (i.e. skylight above the topography). According to the best contour information currently available to the County, it appears the dwelling will be constructed on the property at elevation +880 (MSL). The property raises behind (west) the proposed dwelling to a height of +1040 near Skyline Boulevard. The difference in topographic rise behind the dwelling is approximately 160-feet which is taller than the house. Using the “law of tangents for right triangles<sup>1</sup>”, staff determined the house would need to be approximately 59.5-feet tall to break the skyline as viewed from the western edge of Sauvie Island – directly east of the home site. The proposed dwelling will be less than 59.5-ft tall as is illustrated on structural elevations presented as Exhibit A9. This criterion is met. Calculations performed for this exercise are presented as Exhibit A11. Mature, evergreen trees are located to the southwest (behind) the building pad which will also prevent the structure from breaking the skyline of the property. A photo of these trees was taken from the proposed building pad and is presented as Exhibit A10.

## **Dimensional Requirements (CFU-2)**

### **13. Minimum Forest Practices Setback Dimensions from tract boundary – Feet (MCC 33.2260(C)):**

<b>Road Frontage</b>	<b>Other Front</b>	<b>Side</b>	<b>Rear</b>
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height = 35-ft.

*Applicant: “The minimum Forest Practices Setback Dimensions have been met. Below are the actual setbacks:*

#### *Footnote 1:*

*From the building pad, Sauvie Island is located 10,899 feet away as the crow flies. Sauvie Island’s west shore reaches an elevation of +20. Using a delta +860 for the opposite side of a right triangle and 10,899 for the adjacent side, Staff determined that from Sauvie Island the base of the house will be located 4.51 degrees above a horizontal projection using the formula  $Tangent(\theta) = opposite/adjacent$ . Similarly, Staff determined using aerial photos, contour information and the “law of Tangent for right triangles” that the top of the ridge is at a 4.79 degree theta off the horizontal. Staff is using a distance of 12,166 and a delta elevation of 1,020 from Sauvie Island to the ridge at Skyline Blvd. This means that the ridge behind the proposed house extends 0.28 degrees above the base of the proposed house, as viewed from the western edge of Sauvie Island. The proposed dwelling will be less than 59.5-ft tall as is illustrated on structural elevations presented as Exhibit A9. Calculations performed for this exercise are presented as Exhibit A11.*

*Front (west--back from Skyline Boulevard) >60'*  
*South Side 160'*  
*North Side 137'*  
*Rear (east) 730'*  
*Structure Height 23'*  
*Front lot line length 575'*

Staff: The applicant's site plans (Exhibit A8) and building elevations (Exhibit A9) demonstrate that the minimum yard and height requirements of **MCC 33.2260(C)** will be met as the new dwelling will be located at least 130-ft from all property lines. As illustrated on the structural elevations submitted (Exhibit A9), the rear side of the structure reaches a height of approximately 28-ft above grade. The front side of the house reaches a height of 18-ft (Exhibit A9). The structure proposed will be less than 35-ft tall. The scope of this approval is that the structure must be constructed according to the plans reviewed. This assures the structure will be constructed in a way that confirms to the dimensional requirements of **MCC33.2260(C)**.

### **Lot of Record**

14. MCC 33.2275(A) states, a Lot of Record, For the purposes of this district is

\* \* \*

(1) A parcel or lot which was not *contiguous* to any other parcel or lot under the *same ownership* on February 20, 1990, or

(2) A group of *contiguous* parcels or lots:

(a) Which were held under the *same ownership* on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

Staff: The subject property was placed into the configuration currently represented on Assessment and Taxation maps (Exhibit A12) with a property line adjustment approved by the County November 10, 1992 and referenced under Case #PLA 9-92. As evidenced with deeds recorded August 17, 1995, with instrument #95-98263 and, September 12, 2001, with instrument #2001-144204, the subject property matches the configuration approved with the 1992 adjustment.

At the time the adjustment was approved, the property was zoned Multiple Use Forest (MUF-19). This zone district required a minimum lot size of 19 acres (**MCC 11.15.2178(A)**). Portions of an adjoining street(s) that would accrue to the property, if vacated, were included in calculating lot area (**MCC 33.2178(B)**). Including adjoining right-of-way for the half of Skyline Road that would accrue to the property, if vacated, the subject parcel was 19.11 acres in size, as approved with the adjustment. To our knowledge, the applicant does not presently own any adjoining properties. Considering the above, the subject property is a "Lot of Record" as defined under **MCC 33.2275(A)(2)**.

## **Comments**

15. Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750-feet of the subject tract (**MCC 37.0530(B)**). Written comments were not received from any party noticed pursuant to the provisions of **MCC 37.0530(B)**.

## **Conclusion**

Considering the findings and other information provided herein, this application, as conditioned, satisfies applicable Multnomah County Zoning Ordinance requirements. A 12-month extension to case T2-01-032 is granted which also allows a modification to the original architectural design approved in T2-01-032. The replacement dwelling shall be constructed as indicated in the plans approved by this decision, as further indicated in the **Scope of Approval** section of this report.

## **Exhibits**

All materials submitted by the applicant, prepared by County staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record of this application. Exhibits referenced herein are enclosed, and a brief description of each is listed below:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	Vicinity map
A2	1	Site topography
A3	1	County zoning map
A4	1	Extension request
A5	1	Permit application form
A6	1	Stream conservation buffer map
A7	16	Written narrative submitted by the applicant
A8	2	Site plans
A9	6	Structural elevations
A10	2	Site photos taken by Staff 2/2/04.
A11	2	Trigonometric calculations performed by staff
A12	1	Assessment and taxation plat map