



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION & LAND USE PLANNING DIVISION  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3043

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**July 11, 1996**

## **Public Notice and Administrative Decision**

### **Final Design Review**

**File No. DR 5-96**

Location: 23755 NW Skyline Blvd.  
Property Description: Tax lot 14, Sec. 34, 3N, 2W  
Zoning: CFU, Commercial Forest Use  
Applicant: John and Rachel Burger  
7146 N Tyler  
Portland, OR 97203  
Owner: Same

**Decision:** Approve, with conditions, the Final Design Review plans for construction of a single family residence, based on the following findings and conclusions.

_____	Notices
_____ 11 _____	Decision Notices
mailed on	7-11-96
by	PP



## CONDITIONS OF APPROVAL

1. The applicant shall complete all Conditions of Approval specified by the Hearings Officer in CU 5-95/HV 11-95 unless otherwise superseded in Final Order 95-247.
2. The applicant shall employ grading and erosion control standards as specified and limited by GEC 8-96.
3. Prior to final building permit approvals, the applicant shall construct the site plan-indicated hammerhead driveway turnaround as required by TVF&R and a 20' x 40' turnout as required by County Code.
4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical, but not to exceed 12 months from the date of final building permit inspection. Revegetation of the site shall be conducted as required in the CU 5-95/HV 11-95 and GEC 8-96.
5. The applicant shall install a soakage trench or drywells for stormwater discharge as determined appropriate by the City of Portland Building Bureau, Plumbing Section.
6. The applicant shall leave all vegetation outside of the previously defined "cultivated area" undisturbed and shall revegetate the "cat trail" and ravine adjacent to the roadways as specified in the Hearings Officer's Decision on CU 5-95/HV 11-95.

*For questions about Conditions of Approval, contact Barry Manning at 248-3043.*

## FINDINGS

### I. BACKGROUND AND DESCRIPTION OF PROPOSAL

The applicant requests approval to construct a single family dwelling on the subject site. The use of this site for a single family dwelling was established by the Multnomah County Board of Commissioners in land use Case CU 5-95/HV 11-95 (Final Order 95-247). This order allowed construction of the dwelling with the several conditions. Of significance to this decision are the granting of a major variance to allow setback requirements which are as follows: north side yard (Rocky Point Road) - 200' minimum; south side yard - 130' minimum; front yard (Skyline Blvd.) 60' minimum; rear yard 200' minimum. The Final Order notes that the setbacks were established to ensure that the applicant could maintain required primary (30') and secondary (100') fire protection zones.

### II. SITE AND VICINITY CHARACTERISTICS

The subject parcel is located on the southwest corner at the intersection of Skyline

Boulevard and Rocky Point Road. The shortest north-south dimension of the parcel is the 524 feet of frontage on Skyline Boulevard. The north side of the property fronts Rocky Point Road, measuring 300 feet. The western property line dimension is 500 feet and the south line measures 634 feet. The property slopes sharply down toward the interior of the lot at roughly 30% to 40% along most of the road frontage. However, the topography undulates somewhat, sloping up again in interior portions of the site. The proposed building site is relatively level in comparison to the remainder of the site, with an estimated slope of 15% to 20.

Existing vegetation on site includes a mix of both deciduous and evergreen trees as well as shrubbery. The location proposed for the dwelling is in the south-central portion of the site.

The property is surrounded by other properties located in the CFU zone. Parcels in the immediate vicinity vary in size, ranging from 1.13 acres to over 20 acres. Five parcels within the 160 acre "template area" surrounding the subject site have dwellings located on them. North and east of the site, less parcelization has occurred. Parcels ranging from 80 to 240 acres can be found (see attached vicinity map). On-site soils are classified as 17D and 17E (Goble Silt Loam). Soils types in the surrounding area are 17D, 17E (Goble Silt Loam) and 56E (Wauld Very Gravelly Loam). There are no water features on site or in the immediate vicinity of the site.

### **III. 11.15.7850, DESIGN REVIEW CRITERIA**

**MCC .7850(A): Approval of a final design review plan shall be based on the following criteria:**

#### **(1) Relation of Design Review Plan Elements to Environment.**

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

**Staff:** The proposal calls for construction of a single family dwelling on the subject parcel. The proposed site plan does not indicate removal of vegetation beyond that allowed for development of the dwelling. The structure proposed is a two-story single family dwelling with daylight basement.

- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.**

**Staff:** The proposed dwelling is located on the site in such a manner that protection from noise and air pollution is provided for the subject property and neighboring properties. Setback to the west property line is 366 feet and setback to the south

property line is 130 feet. Other required yard setbacks measure 256 feet to the north and 174 feet to the east. Both of these adjoin public roads. Climactic conditions are expected to be relatively uniform on site, but the dwelling is sited in an area that is above potential drainage areas. To the extent that this criterion is applicable, the proposed plans appear to comply with this criterion.

- (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

**Staff:** The proposed plans indicate a proposed house, driveway, septic tank and drainfield and well. Proper location of these features is required to ensure that all systems function appropriately. The City of Portland is the agency that reviews and permits septic systems in unincorporated Multnomah County. The location of the septic system, drainfield and well was approved in CU 5-95. Design Review plans indicate that these features, along with the house and driveway are in approximately the same location as previously approved, and are in conformance with setbacks approved in Final Order 95-247.

- (2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

**Staff:** The proposal satisfies the setbacks determined in CU 5-95, and is a minimum of 130' from any property line. Further, the applicant proposes to remove little or no vegetation, thus keeping the site forested. The setbacks combined with vegetation should afford a great deal of privacy for the residents of the subject property and for adjoining properties. The Multnomah County Sheriff indicated that service to the site was adequate in CU 5-95. Site plan layout does not appear to present any unusual hazards.

- (3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.**

**Staff:** This criterion is not applicable to review of a single family dwelling.

- (4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

**Staff:** The applicants propose to remove no trees outside of the area proposed for development. This is consistent with the approval issued in CU 5-95.

- (5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

**Staff:** The applicants have completed a 300 foot driveway with one access point on Skyline Boulevard. The proposed driveway was reviewed and approved in CU 5-95. Tualatin Valley Fire and Rescue has inspected and conditionally approved the driveway. The conditional approval requires construction of a hammerhead turnaround to be completed after issuance of permits. A 20' x 40' driveway turnout was also required in County Code and will be required. A permit for driveway access to Skyline Boulevard has been granted by Multnomah County (permit #96-0061).

- (6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

**Staff:** Stormwater drainage is proposed to be handled either by soakage trench or drywell, as determined appropriate by the City of Portland, the agency contracted by Multnomah County to review and issue building permits for this portion of unincorporated Multnomah County. Drainage issues are further addressed in GEC 8-96. The applicants have indicated that there are no drainages on site.

- (7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

**Staff:** The applicant states that they will not store machinery, other than a lawn mower, or undertake other activities on-site that might require screening. As noted by the applicant, the property is located in a SEC-h (wildlife habitat) overlay zone which places limits on fences.

- (8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

**Staff:** The applicant has indicated on the site plan that all utilities will be underground.

- (9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

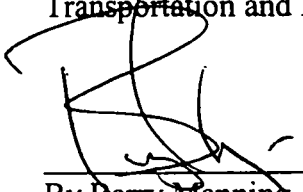
**Staff:** The applicant has indicated that no signs or graphics are proposed for this development.

## CONCLUSIONS

1. With the addition of Conditions of Approval, the Design Review plans submitted comply with the approval criteria of MCC 11.15.7850.

### *In the matter of DR 5-96*

Multnomah County Department of Environmental Services  
Transportation and Land Use Planning Division



By Barry Manning, Planner  
For: Kathy Busse, Planning Director

## NOTICE

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11)

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day falls on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon, 97214 [hours: 8:30 a.m. – 4:30 p.m.; M–F].

**The appeal period ends July 22, 1996 at 4:30 p.m.**