

NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Denied

Permit Type: Multiple Dwelling Land Division

File No: Z0375-24

Applicant's Proposal: The applicant proposes to divide the current 3.27-acre lot containing two primary dwellings into two separate lots via a Multiple Dwelling Land Division application.

Decision Date: December 19, 2024

Deadline for Filing Appeal: December 31, 2024, at 4:00 pm.

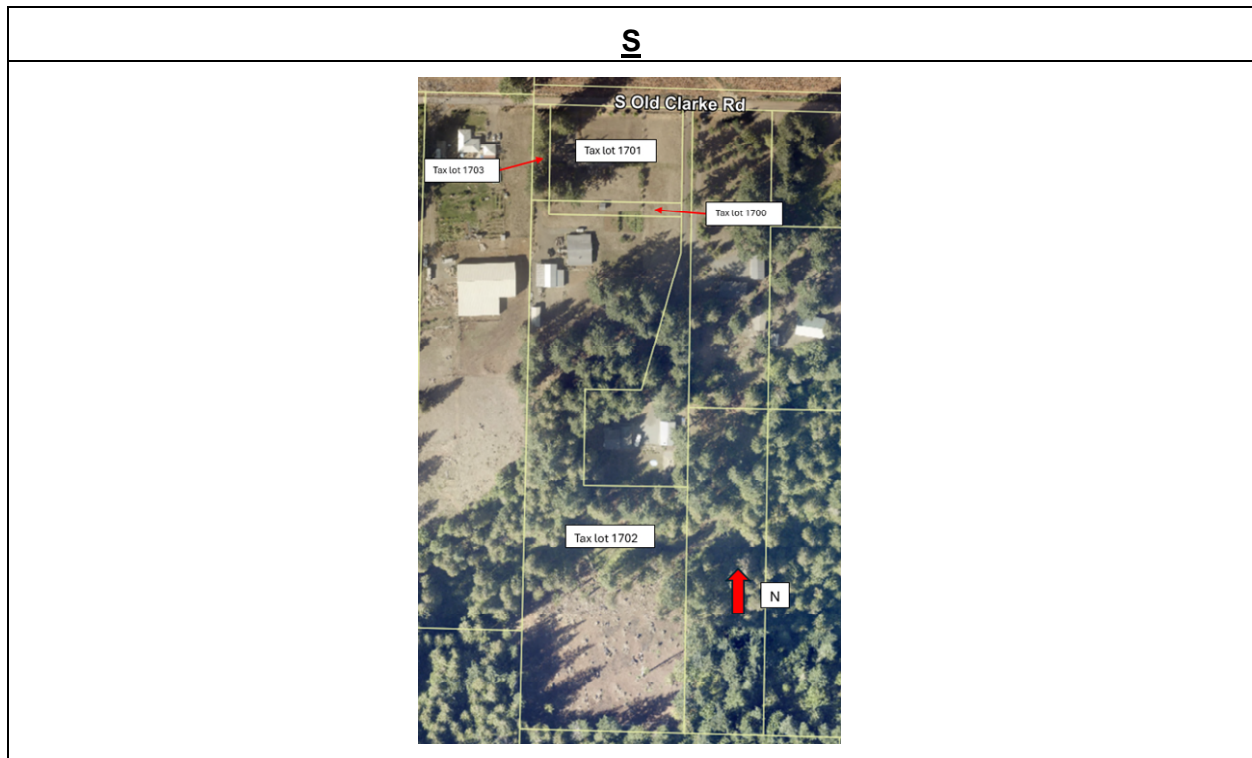
Issued By: Aldo Rodriguez, Planner I, ARodriguez@clackamas.us, 503-742-4541

Applicant: Ellena and David Krueger

Owner of Property: Ellena and David Krueger

Zoning: Timber (TBR)

Assessor's Map & Tax Lot(s): 43E18 01702, 43E18 01700, 43E18 01701, 43E18 01703

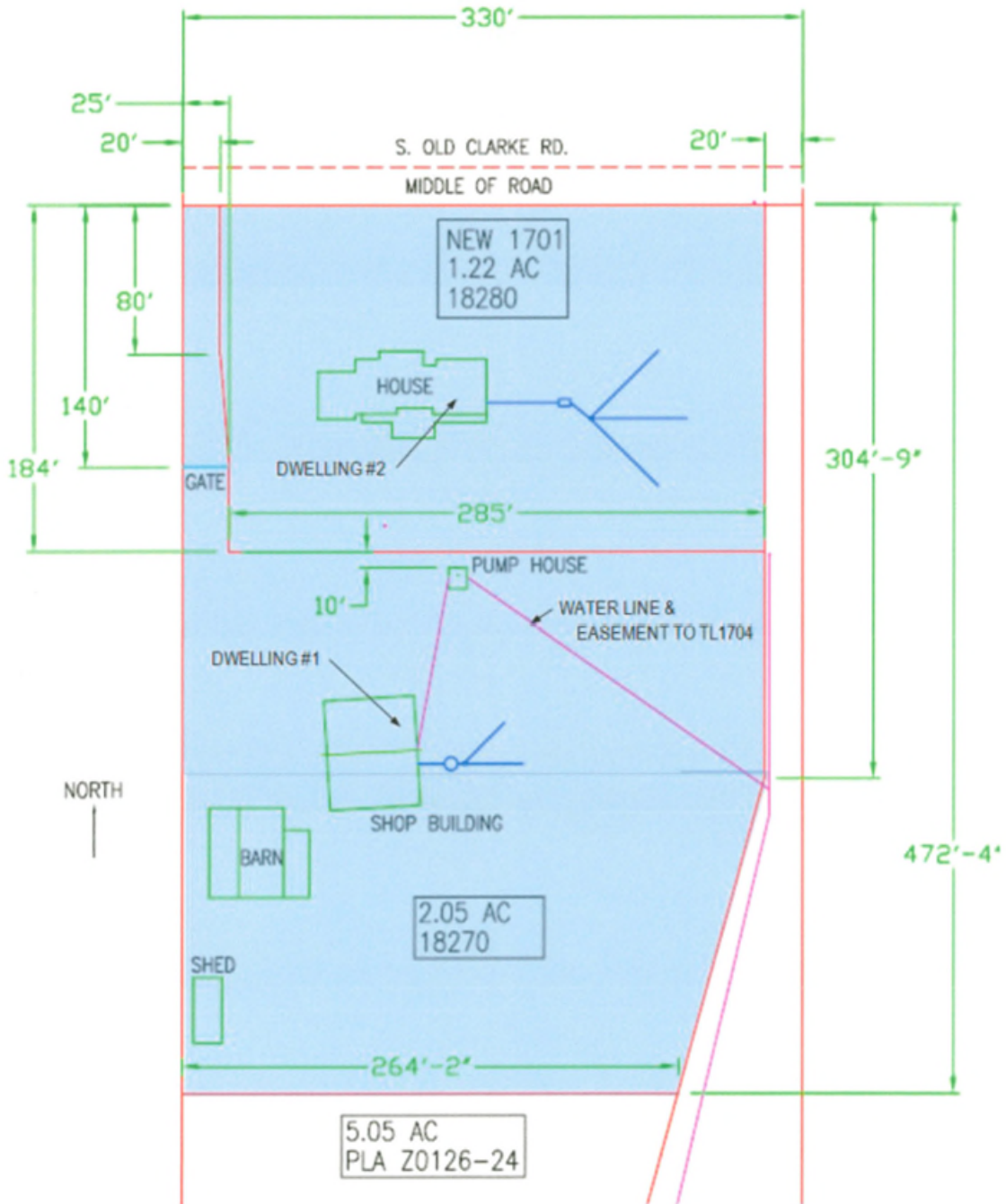


Location Map



Site Plan

3.27 acres per PLA Z0126-24 (September 9, 2024)



Dwelling #1 exterior elevations (1967 Rental Unit)



East view

Photo date: September 12, 2024



East and South views

Photo date: September 12, 2024



West view

Photo date: September 12, 2024

Dwelling #2 Exterior Elevations (1973 Stick-Built Dwelling)



West and North views

Photo date: September 15, 2024



North and East views

Photo date: September 15, 2024

New configuration of tax lot 1702 and 1704 under approved and recorded PLA Z0126-24

RTEL NC.

BETWEEN THOSE DOCUMENT NUMBER STACY AND BEN GNSS RECEIVER

SET IN

SOUTH RIGHT OF FROM (21) PER BUSHED (13) 45. HELD -E NORTHWEST THE EAST

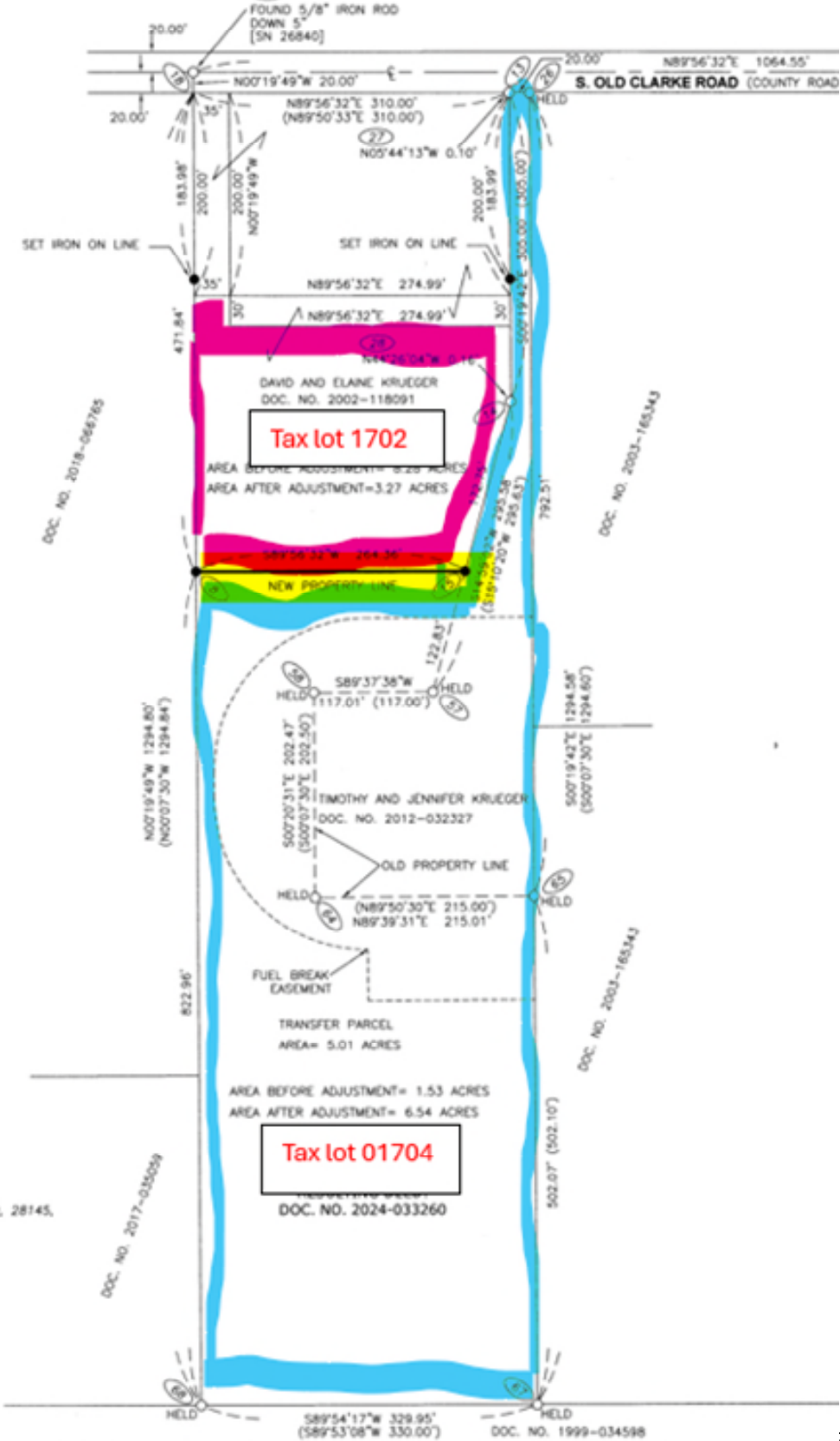
IN THE PART OF PROPERTY THEM

REGISTERED PROFESSIONAL SURVEYOR

REGON MAY 14, 2003 IN S. STACY 17191 S: 6/30/2026

TES

PLA: S: 292, 11508, 25143, 26840, 28745, 29303, 2021-090. XTRY: 2001-117 NUMBERS: 486, 976 8091, 2012-032327



APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 406, 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. Comments from the following were received:

Staff received conditions of approval comments from the Clackamas County Department of Transportation and Development on 11/11/2024 via email.

Staff received numerous written comments from neighbors within 750 feet in support of approval of the application or stating they have no issue with the application.

Staff received written comments and additional narrative materials from the applicant on 10/14/2024. The comments (summarized) on 10/14/2024 state:

- The 1967 and 1973 dwellings are lawfully established.
- The neighbors have had dwelling denied in the past and now they are being approved for dwellings. In view of recent area zoning allowances, we are seeking to have the restriction released that will allow the apartment to be 'legal' in the 18270 S. Old Clarke Rd shop building and Multiple Dwelling.
- Land Division application Z0375-24 be approved.
- The 'Replacement Dwelling' agreement for taxlot 43E18 01702 was signed in good faith on **July 13, 1998**, recognizing zoning conditions in the area at that time.
 - The 'Replacement Dwelling' agreement was not notarized or recorded; as a result,
 - Taxes on the shop improvements for use of an apartment have not been reduced for the last 26 years – and we have paid taxes for a 'non-useable' residence.

Staff received additional written comments and narrative materials from the applicant on 11/04/2024. The comments (summarized) on 11/04/2024 state:

- The 'Replacement Dwelling' agreement for taxlot 43E18 01702 was signed by myself in good faith on **July 13, 1998**. The 'Replacement Dwelling' agreement for taxlot 43E18 01702 was signed on **July 14, 1998** by Clackamas County Planning personnel. Through 'errors and omissions' the statement below was not followed by Clackamas County Planning:

"PLEASE BE ADVISED THAT REMOVAL OR CONVERSION WILL BE VERIFIED IN THE FIELD BY STAFF. FAILURE TO COMPLY WILL RESULT IN ENFORCEMENT ACTION BY THIS DEPARTMENT WHICH CAN RESULT IN THE IMPOSITION OF CIVIL PENALTIES."

As a result, taxes on the shop improvements for use of an apartment have not been reduced for the last 26 years - and we have paid taxes for a 'non-useable' residence.

- **In view of taxes having been unnecessarily paid on the shop improvements for use of an apartment for the last 26 years and recent area zoning allowances, we are seeking to have the restriction released that will again allow the apartment to be 'legal' in the 18270 S. Old Clarke Rd shop building and for Multiple Dwelling Land Division application 20375-24 to be approved.**

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 proposes a Multiple Dwelling Land Division, based on the existence of two established single-family dwellings on the subject property, a 1967 rental unit (apartment) within an accessory building at 18270 S. Old Clarke Rd. (on tax lot 1702), and a 1973 stick-built dwelling at 18280 S. Old Clarke Rd. (on tax lot 1701). Tax lots 1702, 1700, 1701, and 1703 form one lot of record. Tax lot 1702 was involved in a recent property line adjustment with the adjacent tax lot 1704 (separate lot of record). Staff included the new recorded property lines above. The applicant proposes to divide the subject property into two parcels, one of approximately 2.05 acres (containing the 1967 rental unit) and one of approximately 1.22 acres (containing the 1973 stick-building house). Based on the site plan, both dwellings currently are connected to a separate septic system.

The application is being denied because the 1967 apartment dwelling was replaced with a manufactured home in 1998. The manufactured home is located on Tax lot 1704, which as discussed above is a separate lot of record. When the 1998 manufactured home was placed on tax lot 1704 the 1967 apartment home was supposed to be removed or converted into an accessory structure. Staff want to note the year the dwelling attached to the shop/garage was established is determined to be in 1967, this is due to a letter from the County's Planning and Zoning Department in 1997 (included in the application) confirming it was lawfully established in 1967, which ultimately allowed it to be replaced in 1998.

- 2. ZDO Section 406, Timber District (TBR)**

Section 406 regulates the Timber District, which includes the subject property.

406.09 LAND DIVISIONS

Land divisions are permitted, if consistent with one of the following options and Subsections 1105.01(A) and 1105.11. A land division pursuant to Subsection 406.09(A) shall require review of a Type I application pursuant to Section 1307, Procedures. A land division pursuant to Subsection 406.09(B), (C), (D), (E), (F), or (G) shall require review of a Type II application pursuant to Section 1307.

Finding: The application is for a multiple dwelling land division pursuant to Subsection 406.09(B) and is being reviewed as a Type II application pursuant to Section 1307.

This criterion is met.

406.09(B) Multiple Dwelling Land Divisions: *A lot of record may be divided subject to Subsection 406.05(A)(2) and the following provisions:*

1. *At least two lawfully established dwellings existed on the lot of record prior to November 4, 1993;*

Finding: The subject property consists of four tax lots, 1702, 1700, 1701 and 1703, which combine to form a single lot of record. A recent property line adjustment was issued under land use file Z0126-24 containing findings lot of record findings for 1702, 1700, 1701 and 1703. In addition, the decision found tax lot 1704 as a separate lot of record. Since the decision was a type 2 land use decision, that is sufficient finding for lot of record status.

The property under the applicant's narrative contains two single family residences, a 1967 dwelling attached to a shop/garage on tax lot 1702 and a 1973 a stick-built home located on tax lot 1701. A review of the County Department of Assessment and Taxation historical appraisal data confirms that both dwellings were lawfully established on the property prior to the initial zoning of the area on June 18, 1979. Staff also want to note the earliest assessment information included in the application for the 1967 dwelling is from 1977. Therefore, there were no land use regulations applicable to the siting of the dwellings, and they were lawfully established. Both dwellings existed prior to November 4, 1993. However, as discussed further in this decision the 1967 dwelling was supposed to be demolished or converted to an accessory structure in 1998. The applicant submitted documentation with this application that the 1967 dwelling currently has a kitchen, plumbing, bathroom and bedroom and therefore was not decommissioned as required when the 1998 manufacture home was placed on tax lot 1704. So, though the 1967 dwelling was initially lawfully established, it is no longer lawful today because it was replaced by the 1998 manufactured home.

This criterion is met.

3. *Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.05(D)(1);*

1. *A lawfully established dwelling may be altered, restored, or replaced if*

- a. *The dwelling to be altered, restored, or replaced has, or formerly had, the following features. "Formerly had" means that the dwelling possessed all the listed features within three years prior to the date an application is submitted for a replacement dwelling.*

- i. Intact exterior walls and roof structure;*
- ii. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;*
- iii. Interior wiring for interior lights; and*
- iv. A heating system; and*

b. The dwelling to be altered, restored, or replaced meets one of the following conditions:

i. Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:

A) Five years before the date of the application; or

B) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.

ii. If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:

A) Five years before the date of the destruction or demolition;

B) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment

Finding:

Dwelling #2 (1973 Stick-built dwelling)

Staff retrieved historical appraisal information from the County Department of Assessment and Taxation for the 1973 stick-built house. The appraisal information demonstrates that it complies with the criteria for a replacement dwelling. While helpful, this data is not current; however, the applicant also submitted dated photos of the dwelling demonstrating the home is currently existing on the property and have the features listed in 406.05(D)(1);.

A review of current County Assessor appraisal data as well as aerial photography confirms the dwellings currently exist on the subject property. County Assessor

data confirms the 1973 dwelling was assessed as dwelling for purposes of ad valorem taxation for the five years before the date the application was submitted.

Dwelling #1 (1967 apartment rental unit)

Staff reviewed historical appraisal information from the County Department of Assessment and Taxation for the 1967 rental unit. The appraisal information does not go as far back as 1967, but does start in 1977, which is prior to first zoning in 1979 and along with current photos dated on September 12, 2024, of the dwelling demonstrating the home is currently existing on the property and has the features listed in 406.05(D)(1). The being said, the application shall meet the rest of the standards in 406.05(D)(1). Based on the application materials and research documents produced by staff. It has been determined dwelling #1 (1967) fails to meet standards listed under 406.05(D)(1) for the reasons below:

1. Under 406.05(D)(1), it states a “Lawfully Established Dwelling may be altered, restored, or replaced if:” Staff interprets “Lawfully Established Dwelling” as **currently** lawfully established. Staff have provided a copy of the 1998 MH permit, the replacement dwelling agreement (for the replacement of the 1967 dwelling), and a visual map created by staff that clearly shows the 1967 apartment unit was replaced in 1998 under MH027398. In addition, the replacement dwelling permit and replacement dwelling agreement site plan use words such as “shop building rental” and “replacement dwelling” to specifically identify the 1967 apartment rental unit as the dwelling being replaced by the new MH dwelling. The applicant states the replacement dwelling agreement was “signed in good faith” and there were errors and omissions from County staff. Staff have concluded neither of the statements invalidates that the dwelling was replaced and the dwelling that was replaced needed to be converted to accessory dwelling or removed. Therefore, as shown in the supporting documents provided as part of this decision, the 1967 dwelling was replaced under MH027398 in 1998 and it is no longer a lawfully established dwelling and thus does not meet the standard.

MANUFACTURED HOME PLACEMENT AND INSTALLATION PERMIT

Address of Installation 18310 new street #? 18270 S. Old Clarke Rd Mulino, OR 97042
 T 4S R 3E SEC 18 Tax Lot(s) 1702 Lot Size 8.3 acres
 Manufactured Home Size 27' x 60' Manufacturer/Model Fleetwood WA / 4563M, Oak Grove

Owner
 Name Tim Krueger
 Address 18270 S. Old Clarke Rd.
 City Mulino State OR
 Zip 97042 Phone 632-6036

Installer / Property Owner
 Name DMW Enterprises
 Address 18280 S. Old Clarke Rd
 City Mulino State OR
 Zip 97042 Phone 632-6036
 Contractor's License # _____

Manufactured Home Park Installations:

Park Name _____ Space Number _____
 Will you be installing raindrains on your home? Yes No
 Will there be new concrete stringers poured under the home? Yes No

MW 273-98
 P 1793-98
 E 4553-98

Private Property Installations:

Permanent Residence
 New Installation
 Replacing Existing Manufactured Home
 Replacing Existing House (rental)
 Other

Water Source
 Well - Private
 Well - Community
 Public Water Distr. _____
 Other - Explain _____

Temporary Residence
 Health Hardship
 While Building - Bldg. Permit # _____
 Emergency Shelter Hardship
 Use not Allowed
 Other

Sewage Disposal Method
 Public Sewer Dist.
 New Septic Permit # ST 0376-98
 Existing Septic System
 Approx. date of installation _____
 Other - Explain _____

939.15

Will you be pouring new concrete stringers under the home? Yes No

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the law and ordinances governing this type of work will be completed whether specified herein or not. The granting of a permit does not give authority to violate or cancel the provisions of any other state or local law regulating manufactured home installations.

Signature of Applicant Tim Krueger Date 7/13/98
David E. Kammerer, DMW Enterprises, Inc. - Property Owner 13 July 98

OFFICE USE ONLY

SPECIAL CONDITIONS replacement dwelling - OK per pattern
 Zone TBR SDC - Y N Parks SDC - Y N Planning Fee 31

Entrance Permit By <u>McLum</u> Date <u>7-14-98</u>	Sewage Disposal By <u>KSL</u> Date <u>7-14-98</u>	Planning Approval By <u>GL</u> Date <u>7-14-98</u>	Erosion Control By _____ Date _____
-----------------------------------------------------------	---------------------------------------------------------	----------------------------------------------------------	-------------------------------------------

EP 98-228

CCP-PL14 (4/95)

CLACKAMAS COUNTY PLANNING
902 ABERNETHY ROAD
OREGON CITY, OREGON 97045
503-655-8521

Permit No. MH 027398

T 4S S, R 3E, Section 18, Tax Lot 170Z
Address: 18310 18270 S Old Clarke Rd
City Mulino Zip 97042

REPLACEMENT DWELLING AGREEMENT

I, DMW ENGINEERING, INC - DAVID E KRUEGER ^{PRESIDENT} (name), understand the proposed new residence on the above referenced property is authorized only as a replacement for an existing residential dwelling. I agree not to use this existing residence for residential purposes after the new residence is occupied. I also agree to abide by the conditions listed below. By my signature below I state that I have read, understand and agree to the terms of this agreement.

Signature of Owner: David E Krueger

Printed Name of Owner: DAVID E KRUEGER

Date: 13 July 98

Conditions:

1. The existing residence will not be used for residential purposes once the new residence is occupied. The existing residence being replaced will be removed, demolished or physically changed to an accessory non-residential building, i.e., barn, garage, storage, etc. within 3 months of the occupancy of the new home. Please be aware that if the use of the existing home is changed to an accessory non-residential use a County Change of Occupancy permit may be required.
2. If the existing residence is a mobile/manufactured home or trailer house, it shall be removed from the property within 30 days of the date the new residence is occupied, or a County Change of Occupancy Permit shall be obtained to use the unit as a non-residential accessory building.
3. If the existing residence is retained on the property for other than residential purposes, any subsequent purchaser shall be advised in writing that the structure may not be used as a residence.

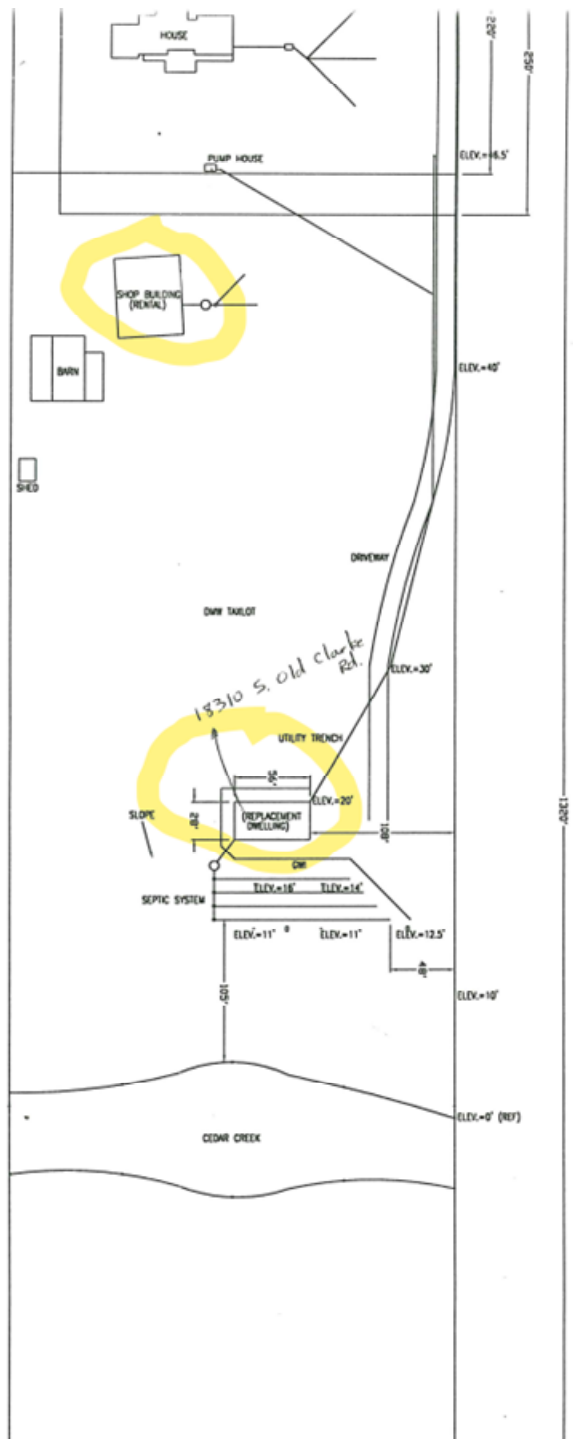
PLEASE BE ADVISED THAT REMOVAL OR CONVERSION WILL BE VERIFIED IN THE FIELD BY STAFF. FAILURE TO COMPLY WILL RESULT IN ENFORCEMENT ACTION BY THIS DEPARTMENT WHICH CAN RESULT IN THE IMPOSITION OF CIVIL PENALTIES.

Staff Signature: [Signature] per Dave Patterson Date 7.14.98

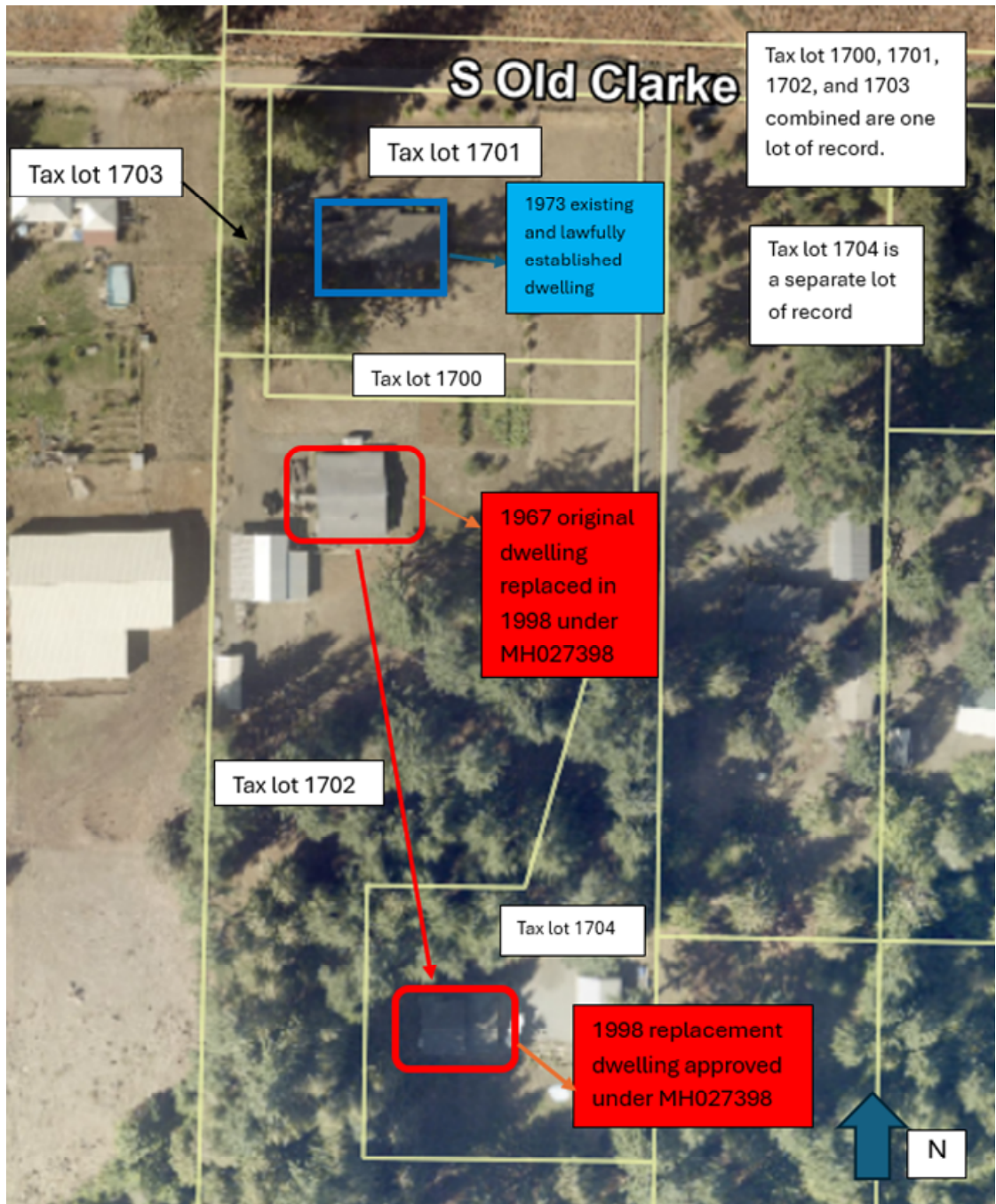
STAFF: Attach a copy of: Plot Plan Tax Lot Map

Distribution White - Applicant Canary - Permit File Pink - History File Goldenrod - Replacement Dwelling Agreement File

CCP-PL11 (2/96)



APPROVED PL
 PLANNING 4
 BUILDING 7-14-08
 SOILS 98



2. Under 215.291(D)(b)(A) staff concluded the dwelling was not eliminated as result of destruction or demolition nor has it been assessed as a dwelling for purpose of ad valorem taxation five years before the date of the application. Staff determined in the finding above the 1967 rental unit was replaced on tax lot 1704 under permit MH027398. Staff included current appraisal information showing the property with the “1967 dwelling” is not being assessed and taxed for a residence. Staff also included the appraisal information for the 1973 dwelling that shows an example of the property being taxed with a

residence. The applicant claims they are being taxed at a higher rate, but it is clear based on comparing the current 1967 dwelling appraisal information to the current 1973 dwelling appraisal information that it is not being taxed a residence.

Dwelling #1 1967 Apartment Rental
Unit Current Appraisal Information

Account Number	01050445	Property Address	18270 S OLD CLARKE RD , MULINO, OR 97042
General Information			
Alternate Property #	43E18 01702		
Property Description	Section 18 Township 4S Range 3E TAX LOT 01702		
Property Category	Land &/or Buildings		
Status	Active, Locally Assessed, Use Assessed		
Tax Code Area	035-023		
Remarks			
Tax Rate			
Description	Rate		
Total Rate	14.7405		
Property Characteristics			
Property Tax Deferral	Potential Additional Tax Liability		
Farm or Forest Tax Liability	\$716.75		
Neighborhood	12144: Clarkes/Schuebel all other		
Land Class Category	641: Forestland improved		
Acreage	6.7		
Fire patrol acres	5.00		
Change property ratio	6XX		
Related Properties			
No Related Properties Found			
Parties			

Role	Percent	Name	Address
Taxpayer	100	KRUEGER DAVID E & ELAINE R	18280 S OLD CLARKE RD, MULINO, OR 97042
Owner	100	KRUEGER DAVID E & ELAINE R	18280 S OLD CLARKE RD, MULINO, OR 97042

Property Values					
Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$153,598	\$149,126	\$144,782	\$234,696	\$227,861
Exempt					
TVR Total	\$153,598	\$149,126	\$144,782	\$234,696	\$227,861
Real Mkt Land	\$295,338	\$295,338	\$286,334	\$235,962	\$205,223
Real Mkt Bldg	\$187,890	\$189,390	\$185,080	\$152,730	\$133,940
Real Mkt Total	\$483,228	\$484,728	\$471,414	\$388,692	\$339,163
M5 Mkt Land	\$87,517	\$87,517	\$84,849	\$235,962	\$205,223
M5 Mkt Bldg	\$187,890	\$189,390	\$185,080	\$152,730	\$133,940
M5 SAV	\$5,205	\$4,870	\$4,195		
SAVL (MAV Use Portion)	\$2,780	\$2,700	\$2,620		
MAV (Market Portion)	\$150,818	\$146,426	\$142,162	\$234,696	\$227,861
Mkt Exception					
AV Exception					

Active Exemptions
No Exemptions Found

Events

Dwelling #2 1973 Stick-Built Dwelling
Current Appraisal Information

Property Account Summary



Account Number	01050436	Property Address	18280 S OLD CLARKE RD , MULINO, OR 97042
General Information			
Alternate Property #	43E18 01701		
Property Description	Section 18 Township 4S Range 3E TAX LOT 01701		
Property Category	Land &/or Buildings		
Status	Active, Locally Assessed		
Tax Code Area	035-023		
Remarks			
Tax Rate			
Description	Rate		
Total Rate	14.7405		
Property Characteristics			
Neighborhood	12141: Clarkes/Schuebel 100, 101		
Land Class Category	101: Residential land improved		
Building Class Category	15: Single family res, class 5		
Year Built	1973		
Acreage	1.27		
Fire patrol acres	0.27		
Change property ratio	1XX		
Related Properties			
No Related Properties Found			
Parties			

Role	Percent	Name	Address
Taxpayer	100	KRUEGER DAVID E & ELAINE R	18280 S OLD CLARKE RD, MULINO, OR 97042
Owner	100	KRUEGER DAVID E & ELAINE R	18280 S OLD CLARKE RD, MULINO, OR 97042

Property Values

Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$513,714	\$498,752	\$484,226	\$470,123	\$456,431
Exempt					
TVR Total	\$513,714	\$498,752	\$484,226	\$470,123	\$456,431
Real Mkt Land	\$225,192	\$225,192	\$218,327	\$179,192	\$155,849
Real Mkt Bldg	\$827,830	\$827,990	\$814,370	\$666,760	\$588,290
Real Mkt Total	\$1,053,022	\$1,053,182	\$1,032,697	\$845,952	\$744,139
M5 Mkt Land	\$225,192	\$225,192	\$218,327	\$179,192	\$155,849
M5 Mkt Bldg	\$827,830	\$827,990	\$814,370	\$666,760	\$588,290
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$513,714	\$498,752	\$484,226	\$470,123	\$456,431
Mkt Exception					
AV Exception					

Active Exemptions

No Exemptions Found

Tax information submitted by the applicant

01050445 KRUEGER DAVID E & ELAINE R 18270 S OLD CLARKE RD 641

ADMINISTRATIVE INFORMATION PARCEL NUMBER 01050445
 PARCEL NUMBER 01050445
 Parcel Parcel Number
 Property Address 18270 S OLD CLARKE RD
 Neighborhood 17144 CLARKE/DOUBLET 400 - 641
 Property Class 481 481 Forest Improved (MO)
 TAKING DISTRICT INFORMATION
 District/Year 003
 Area 001

OWNERSHIP KRUEGER DAVID E & ELAINE R
 18270 S OLD CLARKE RD
 MILWAUKEE, WI 53042
 Dev/Jan 18 Township 40 Range W TAX ID# 01702

Tax ID 43E18 01702
 TRANSFER OF OWNERSHIP
 Date 01/01/1999
 Rec. #: 99-14700 40

Printed 07/21/2022

AGRICULTURAL

VALUATION RECORD

Assessment Year	01/01/2018	01/01/2019	01/01/2024	01/01/2020	01/01/2021	01/01/2022	Market
Reason for Change							
VALUATION	179006	179006	195280	205223	235962	287494	286334
Market	B 119520	T 119310	129060	133940	152730	185080	185080
	T 298526	298316	324340	339163	388692	472574	472434

Site Description
 Legal Address: 0.9000

LAND DATA AND CALCULATIONS

Land Type	Rating	Measured Soil ID	Table	Prod. Factor	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
5 5/3 ACR W/USE MIXED USE W/OP		1.1000		1.00	6400.00	6400.00		11220 L 578 L 2188	48504
4 Forest/Forest Land		3.3000		1.00	1367.00	1267.00		41810 L 2189	132041
7 FOREST USE	OFC	3.3000		1.00	839.00	839.00		2169	2169
8 Forest/Forest Land	OFC	1.1000		1.00	1267.00	1267.00		2184 L 2189	48504
9 FOREST USE		1.1000		1.00	839.00	839.00		1426	1426
10 5/1 ACR MIXED USE PROPERTY				1.00	17133.00	17133.00		17133 4 -706 L 2188	14345

Supplemental Cards
 TRUE TAX VALUE 286334
 Supplemental Cards
 TOTAL LAND VALUE 49041

FF22: FIRM/FORST APPLICATION 2007
 5.0 AC MIX TO FOREST EX/FAST/WR 5/1/22 #60
 W881: POCE of RECORD
 TOTAL ACRES 6.10 YEAR CLASS 0
 1936 MISC. FEATURES: 1218 SQUARE FT
 APPT IN APPROX 440 7.14 ACRES FROM FARM TO
 SUBJECT 148 W/ SITES 148 DIVISION
 VALUED WITH 71.1703
 0500: 2020 ALLOCATION ALLOWED

PHYSICAL CHARACTERISTICS 01 02 03 04

IMPROVEMENT DATA

18270 S OLD CLARKE RD

\$96,800

(LHM) 100.000

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Day Const Use	Const	Year	Est Const	Year	Est Const	Base Rate	Area	Rate	Area	Value	Depth	Depth	Area	Value
01 DREGUP	0.00	4	1979	1977	AV	16.40	B	22.26	2784	61000	44	0	160	100			16710
02 DREGUP	0.00	5	1982	1982	AV	18.42	B	21.34	1200	75410	39	0	160	100			24940
03 LEARTO	0.00	4	1982	1982	AV	4.30	B	5.84	1344	7850	60	0	160	100			3530
04 WaterFast	0.00	1	2000	2000	AV	0.10	B	0.00	60000	0	0	0	160	100			96800

Data Collector/Date: 06 02/21/1999
 Appraiser/Date: 06 02/21/1999
 Neighborhood: High 12144 AV
 Supplemental Cards: TOTAL IMPROVEMENT VALUE 180400

CODE NO. 32302

APPRAISAL DATA

ACCT. NO. 4-3E-18 1708
MAP NO. 1708

PROPERTY CLASS

PROPERTY ADDRESS: RT 1, Box 230, *Musking*

BUILT 1967 COST \$ _____ RENT \$ _____

REMODELED 19 _____ COST \$ _____

SOLD 19 _____ AMT. \$ _____ V. I. [] []

SOLD 19 _____ AMT. \$ _____

SOLD 19 _____ AMT. \$ _____

SOLD 19 _____ AMT. \$ _____

INTERIOR INSPECTED

YEAR	72	75	77		
YES			445		
NO	✓	✓	✓		

APPR.	DATE	DWELLING UNITS	UNIT AREA	TOTAL AREA	STORIES
9M	8/10/77	(1) 2 3 4	SO. FT.	2724 SO. FT.	1 1 2
FOUNDATION		CONC. BLK BRICK STONE FRAME WD BLK			
EXTERIOR		DBL SGL BRK SIDING: REVEL RUSTIC VERT SHAKE: WD ASS COMPO SGL STUCCO BRICK: VEN SOLID 1 1 2 STY STONE CONC BLK: PT FUR'D STUCCO			
ROOF		GAB HIP FLAT PITCH: GAB AYS STEEP SHINGLES: WD METALUM SHAKES: LT MED HWY BUILT-UP R. RFG. BAR TILE EXP BM			
ZONING					
RESIDENTIAL		1ST FLOOR DBL SGL PLY WD H. WD FIR COND TILE CARPET			
MULTI-FAMILY		RMS: LIV DIN FAM KIT UTIL HALL BATH BR DEN			
COMMERCIAL		PARTITIONS PLASTER DRYWALL COMPD CLOSERS PLYWOOD			
INDUSTRIAL		TRIM: FIR H. WD PANELING: vinyl paneling			
OTHER INTERIOR CONST.		CLASS: BUILT-INS: FIR H. WD METAL CAB TOPS: PLASTIC LIND APPLIANCES: ELECT GAS OVEN RANGE DISHWASHER HOOD FAN QUAL: P. A. G.			
LIGHTING		CLASS: LOW VOLT INTERCOM			
AREA IMPROVEMENTS		CLASS: LAVATORY INSTALL SHOWER SINK FULL BATH			
SIDEWALKS		PLUMBING WATER ONLY TOILET SHOWER DOOR LAUNDRY FAC BATH			
CURBS		BATHUB WATER HEATER			
STREET		CLASS: FURNACE: FA GRAY PL W OIL GAS HARD FUEL			
WATER		ELEC.: W UNITS BASERD GL PANEL CABLE. CLG PL H.W. BASERD CONVEC RAD: PL CLG			
SEWERS		CHIMNEY TOTAL AREA HEATED: SQ. FT.			
ELECTRICITY		FIREPLACE CLASS: 1 STY 2 STY SGL BRD STAD CIR NO HEARTHS: PLAIN ELAB.			
SITE CHARACTERISTICS		BASEMENT CLASS: WALLS: CONC BLK FL: CONC WOOD CEIL: PLS DRYWALL COMP PLYWOOD WALL CVR: FUR'D PLS DRYWALL COMP WD FLR CVR: ASPH TILE CORR LIND RMS: PLAT BR BATH LNDRY GAR NO. RMS: HEAT: SQ. FT.			
TOPOGRAPHY		VIEW CLASS: GMS: SQ. FT. UNFIN FIN: PLS DRYWALL COMP CLOS PA FLR: DBL SGL FIR H. WD ASPH TILE VINYL LIND CARPET LIND SUBFLOOR ONLY RMS: BR BATH HALL NO. RMS: HEAT: SQ. FT.			
SPECIAL		PORCH: WD FR CONC RATING: PHYS COND: P A G FUNC. UTIL: P A G APPEARANCE: P A G			

REMARKS: Home & Shop
1799 MH Sited &

PLOT PLAN:


BUILDING DIAGRAM

Living quarters 2284^{sq}

32'

2784^{sq}

38'



GARAGE AND OUTBUILDINGS						LAND DESCRIPTION					
GARAGE ATT. DET. BSMT. 1/4 1/2 1/2 3/4 S.T.	DESCRIPTION					DIMEN- SIONS	SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS	DIMENSIONS OR ACRES
	FOUND	FLOOR	ROOF	WALLS	MISC.						
						X				HS.	1.00
1						X					
2						X	25x48	1200		V	7.13
3	LEAN TO	con	con	4/m	POST	X	16x48	768			5.70
4	"	"	con	6/m	"	X	16x36	576			
5						X					
6						X					
7						X					
8						X					
9						X					6.76
INCREMENTS TO LAND:								TOTAL ACRES Δ 8.13			
DIVISION - 4/99 FV								APPRaiser DM DATE 6/28/77			
ACCORDING TO PLANNING 1702 & 1703 = 16 legal lots								APPRaiser DCA DATE 9/24/84			
4/99 FV								APPRaiser D DATE 11/14/91			
								APPRaiser FV DATE 4/15/99			

Finally, the older appraisal data submitted for the apartment rental unit shows it was assessed as a dwelling and had features listed in 406.05(D)(1) but this information is prior to the dwelling being replaced under the MH permit. Staff also notes the reason the "1967 dwelling" has the current features listed in 406.05(D)(1), is due the property owner failing to convert the apartment unit to a

non-residential use as required when the 1998 replacement dwelling was installed on tax lot 1704.

This criterion is not met.

3. *Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size;*

Finding: The applicant proposes dividing the property into two parcels, one of approximately 2.05 acres and one of approximately 1.22 acres. Therefore, except for one lot, each lot created will be not less than two nor greater than five acres in size. A final plat is required to complete the proposed land division, and the survey may result in differences in the final parcel sizes; therefore, a condition of approval would be required to ensure compliance with this criterion. However, that application is denied because one of the dwellings proposed in the division was supposed to have been demolished or repurposed as an accessory structure in 1988.

With a condition of approval, this criterion could be met.

4. *At least one of the existing dwellings is located on each lot or parcel created under this provision;*

Finding: As demonstrated by the applicant's submitted site plan, each of the two proposed parcels will contain one dwelling. However, as demonstrated in finding above (3) the 1967 dwelling is not a lawfully existing dwelling as it was replaced by the dwelling currently located on tax lot 1704.

This criterion is not met.

5. *The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director indicating the land is no longer subject to the statewide planning goals for lands zoned for Forest use;*

Finding: A condition of approval would be required to ensure compliance with this criterion. However, that application is denied because one of the dwellings proposed in the division was supposed to have been demolished or repurposed as an accessory structure in 1998.

With a condition of approval, this criterion could be met.

6. *A lot of record may not be divided under this provision if an existing dwelling on the lot of record was approved through:*
 - a. *A statute, an administrative rule, or a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot of record; or*
 - b. *A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Goal 4 (Forest Lands);*

Finding: Neither of these standards apply to the proposed site.

This criterion is not applicable.

7. *Existing structures shall comply with the minimum setback standards of Subsection 406.07(B) through (D) from new property lines; and*

406.07

B. Minimum Front Setback: 30 feet.

C. Minimum Side Setback: 10 feet.

D. Minimum Rear Setback: 30 feet; however, accessory buildings shall have a minimum rear yard setback of 10 feet.

Finding: As proposed by the submitted site plan, all existing structures would comply with these minimum setback standards. A condition would be required; however, the land division cannot be approved because one of the dwellings proposed in the division was supposed to have been demolished or repurposed as an accessory structure in 1998.

With a condition of approval, this criterion could be met.

8. *The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.*

Finding: There is no evidence that the statement has been recorded. A condition would be required; however, the land division cannot be approved because one of the dwellings proposed in the division was supposed to have been demolished or repurposed as an accessory structure in 1998.

With a condition of approval, this criterion could be met.

406.05(A)(2)

A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.

Finding: There is no evidence that the statement has been recorded. A condition of approval requiring the statement to be recorded will allow the criterion to be met.

406.11 APPROVAL PERIOD AND TIME EXTENSION

A. Approval Period: Approval of a Type I or Type II application is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented.

"Implemented" means:

1. For a land division, the final plat shall be recorded with the County Clerk. If a final plat is not required under Oregon Revised Statutes Chapter 92, deeds with the legal descriptions of the new parcels shall be recorded with the County Clerk.

Finding: This provision is informational only and applies automatically. For clarity, a condition of approval reflects the requirement.

B. Time Extension: If the approval of a Type I or II application is not implemented within the initial approval period established by Subsection 406.11(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension.

Finding: This provision is informational only.

4. ZDO Section 1105, Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats

1105.01 PURPOSE AND APPLICABILITY

A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.11.

Finding: The subject property is zoned TBR, and this land division application is being reviewed pursuant to Subsection 406.09. The two proposed parcels will be less than 80 acres; therefore, the partition requires completion of a final plat pursuant to Section 1105.11. A condition of approval requires completion of a final plat pursuant to Subsection 1105.11.

With a condition of approval, this criterion could be met.

1105.07 FINAL PLAT REVIEW

If a preliminary plat is approved, finalizing the approval requires the completion of a final plat, except that a final plat is not required for a partition or partition replat in which all parcels are larger than 80 acres. The applicant shall comply with the following:

- A. The form and content of the final plat shall comply with the County's final decision approving the preliminary plat and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code and Oregon Revised Statutes Chapters 92, 94, 100, and 209.*
- B. The final plat shall be submitted to the County for review. If a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws shall be submitted to the County with the final plat. If the final plat and, if a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws are consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the application have either been satisfied or guaranteed pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, the Planning Director shall sign the plat.*

Finding: Both of the parcels created by this partition will be less than 80 acres; therefore a final plat is required. A condition of approval requires compliance with 1105.07(A). A condition of approval requires that the final plat be submitted to the County for review. The remainder of 1105.07(B) is either not applicable because no homeowners association is required or informational only.

With a condition of approval, this criterion could be met.