

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

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

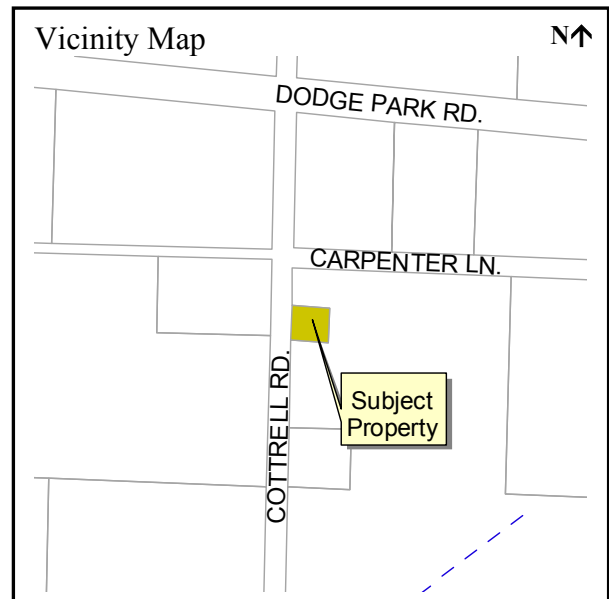
Case File: T2-05-041

Permit: Administrative Determination by the Planning Director

Location: 7800 SE Cottrell Road
Tax Lot 700, Section 22CA,
Township 1 south, Range 4 East, W.M

Applicant: Julie Solso
7800 SE Cottrell Road
Boring, OR 97009

Owner: Kenneth W. & Julie A. Solso
7800 SE Cottrell Road
Boring, OR 97009



Summary: Request for a Director's Determination of whether a proposed 2400 square foot building for storage of personal property and including a wood working area is customarily accessory or incidental to the dwelling on the subject property in the Multiple Use Agriculture – 20 (MUA-20) Zone District.

Decision: Approved - The Planning Director has determined that the proposed building and use is customarily accessory to a dwelling in the district.

Unless appealed, this decision is effective December 20, 2005 at 4:30 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, December 6, 2005

Opportunity to Review the Record: A copy of the Planning Director 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 George A. Plummer, 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 requires a \$250.00 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 December 20, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Chapter 37 Administration and Procedures, MCC 36.2800 et al: Multiple Use Agriculture – 20.

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/dbcs/LUT/land_use.

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 37.0700, this land use permit expires two years 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. The property owner may request to extend the timeframe within which this permit is valid, as provided under 37.0700. A request for a permit extension may be required to be granted prior to expiration date of the permit.**

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.
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Note: To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. At the end of the report, Exhibits are described.

1. Project Description

MCC 37.0740 Interpretations: (A) The Planning Director shall have the authority to decide all questions of interpretation or applicability to specific properties of any provision of the comprehensive framework plan, rural area plan, or other land use code. Any interpretation of a provision of the comprehensive framework plan, rural area plan or other land use code shall consider applicable provisions of the comprehensive framework plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. A request for an interpretation shall be processed as a Type II application.

Staff: This decision interprets the code language that allows undefined accessory uses in the MUA-20 Zone under MCC 34.2820(F). The applicant requested a determination that a proposed 2400 square foot building for storage of personal property and a wood working area is customarily accessory or incidental to the dwelling on the subject property in the Multiple Use Agriculture – 20 (MUA-20) Zone District. The applicant plans to use the building to store a motorcycle, a boat, an RV and other vehicles as well as have a woodworking shop for personal use (1.3 and 1.5). The proposed building is 50' by 48' square feet in size and is about 22.5 feet in height (Exhibits 1.2 and 1.7).



2. Site and Vicinity Characteristics

Staff: According the County Assessment datasheet the existing dwelling on the property was established in 1900. The property is relatively flat. The proposed building will be north of the existing structures on the property. The property was recently approved for a Property Line Adjustment under Case T2-05-084 that increased its size to 0.44 acres in size. The property size was increased to accommodate the proposed structure. The surrounding vicinity is predominately farm land with a few small acreage residential properties (Exhibit 2.2).

3. Type II Case Procedures

MCC 37.0530 (B): Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision

and is appealable to the Land Use Board of Appeals (LUBA) within 21 days of when the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

Staff: Procedures outlined in MCC 37.0530 were followed in processing this case. An opportunity to appeal this case will be provided, if no appeal is filed the decision will become final 14 days after the date on the decision. The application was submitted April 29, 2005 and was deemed complete on October 21, 2005 when additional information was submitted.

An "Opportunity to Comment" notice was mailed on October 28, 2005 to all owners of property within 750 feet of the subject site. They were given a 14-day period to provide comments on the application (MCC Chapter 37). Staff received no comments.

4. Use Customarily Accessory in the Multiple Use Agriculture District

MCC 34.2820 Allowed Uses

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

Staff: The applicant is proposing a 2400 square foot pole barn to use to use for personal storage of a motorcycle, a boat, an RV, cars and a wood working shop (Exhibit 1.1). The applicant submitted photographs (Exhibit 1.4) of six accessory buildings in the area similar to the size that the applicant is proposing.

As the table shows, there are six nearby buildings that are the same size or larger than the proposed building that are located within a mile and a half of the subject property. All of these buildings are residential properties that are less than three acres in size and do not have farm deferral tax status. These buildings are accessory to the dwellings on those properties. These building are on properties which do not have farm deferrals thus we assume that they are used for storage of personal property or for personal shop space. The applicant will use the building to store personal property described earlier in this decision and for a personal wood working shop. The proposed building fits into the range of sizes and uses for accessory buildings in the area.

Exhibit Number	Address	County Assessment Alt. Tax Account #	Size of property in Acres	In Farm Deferral?	Size of Building in Sq. Ft.	Distance from Property (miles)
	31929 SE Mally Rd.	R677802430	0.94	No	2800	1.4
	32325 SE Proctor Rd.	R677807130	1.22	No	2400	1.2
	33611 SE Carpenter Ln.	R994210380	1.44	No	2400	0.5
	32816 SE Carpenter Ln.	R210800300	2.00	No	4000	0.9
	32924 SE Carpenter Ln.	R210800700	1.87	No	672*	0.9
	7373 SE Pleasant Home Rd.	R994201510	2.67	No	3200	1.5
	6715 SE Cottrell Rd.	R994220050	1.99	No	2600	0.5

* Staff could not locate the building on this property shown in the photo submitted by the applicant.

5. Conclusion

Considering the findings and other information contained herein, there are at least six same size or larger buildings accessory to dwellings within a mile and a half of the subject property. Given that these six buildings are on properties that do not have agricultural deferrals, the buildings are accessory to the residential use on the properties. Storage of personal property and personal shop areas are customary uses of accessory buildings. Given the use and the six building within this area that are the same size or larger, the proposed building use and size is customary for an accessory building within the district.

6. Exhibits

Exhibits 1: Submitted by the Applicant

- Exhibit 1.1: Application form submitted 4/19/05 (1 page);
- Exhibit 1.2: Site plan submitted 10/7/05 (1 page);
- Exhibit 1.3: Statement of proposed building's use, property owner submitted 4/29/05 (1 page);
- Exhibit 1.4: Photographs of nearby accessory structures submitted 8/5/05 (3 pages);
- Exhibit 1.5: Insurance record and photographs of items to be stored in the proposed building submitted 8/5/05 (3 pages);
- Exhibit 1.6: Proposed barn elevation views submitted 10/21/05 (1 page);
- Exhibit 1.7: Full set of building plans with correct scale 10/24/05
- Exhibit 1.8: Certification of On-Site Sewage Disposal indicating review by Philp Crawford, Sanitarian, City of Portland submitted 10/21/05 (1 page);
- Exhibit 1.9: Fire District Review Fire Flow Form signed by Mike Kelly, Deputy Fire Marshall, Gresham Fire & Emergency Services submitted 10/21/05 (9 pages);

Exhibits 2 Supplied by County

- Exhibit 2.1: County Assessment Record for the subject properties (1 page);
- Exhibit 2.2: 2002 Aerial Photo of the subject property and vicinity (1 page);
- Exhibit 2.3: County Assessment Records for the nearby properties listed in the table in this decision (14 pages).