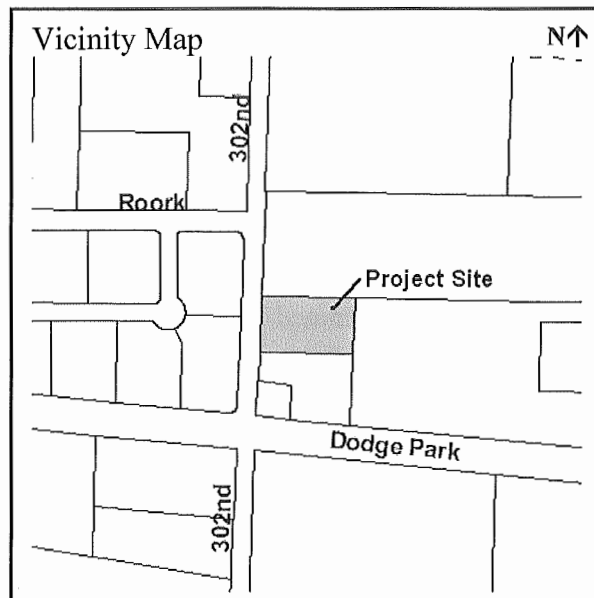


1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2013-3068
Permit: Accessory Use Determination
Location: 7116 SE 302nd Avenue
Tax Lot 201, Section 20BC
Township 1 South, Range 4 East, W.M.
Tax Account #R 649865810
Applicant: Brian Laramée
Owner: Susan Townsend
Base Zone: Orient Rural Center Residential (OR)
Overlays: n/a
Site Size: 1.03 acres

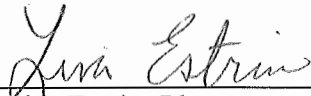


Summary: Applicant is requesting approval to construct a 2,728 square foot accessory building with a toilet and kitchen to be used for hobbies, storage and woodworking.

Decision: Approved with Conditions

Unless appealed, this decision is effective Thursday, January 2, 2014, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Thursday, December 19, 2013

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 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 Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

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 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 Thursday, January 2, 2014 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) (MCRR): MCC 36.3425(i) Structures or uses customarily accessory or incidental, MCC 36.3355 Dimensional Standards and Development Requirements, MCC 36.3370 Lot of Record.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

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. **This land use permit expires two years from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

Conditions of Approval

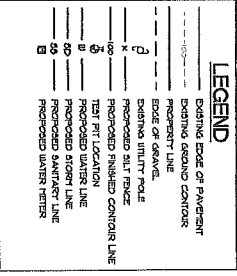
The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Prior to land use sign-off for building plan check on the accessory building:
 - a. The site plan and floor plans for the accessory structure shall note that a water meter shall be installed on the building. [MCC 36.3455(E)]
 - b. The site plan shall show that the eaves on the rear of the accessory building shall be removed from the building or the building shifted to the west so that the eaves are not in the yard setback. [MCC 36.3455(B)]

- c. A lighting detail shall be provided for each style of light to be installed on the accessory building. All light fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal plane. [MCC 36.3455(G)]
 - d. The building permit to construct the single family dwelling on the parcel shall have been issued by the Gresham Building Department and construction of the dwelling commenced on-site. The accessory building cannot be constructed until the primary use is under construction. [MCC 36.3425(I)]
 - e. The property owner shall record a covenant indicating that the accessory building is not a single family dwelling (Exhibit B.3) [MCC 36.3420(F)(2)].
2. Prior to occupancy or use of the accessory building, the dwelling shall be completed, finalized by the building department and occupied. [MCC 36.3425(I)]
 3. The accessory building and/or property shall not be used for any commercial or industrial purposes without prior approval of the applicable land use permits (Home Occupation Permit). The use of the accessory building and/or property by a business prior to obtaining land use approval is a violation of this permit and MCC 36.3420 Uses.
 4. At no time shall the property owners allow the use of the accessory building as a dwelling unless authorized by Multnomah County Land Use Planning. [MCC 36.3420 Uses.]
 5. No piped or channelized stormwater discharge shall occur to the public right-of-way unless a permit is granted by Multnomah County Transportation. [MCRR 4.000 & MCC 36.3455(E)]
 6. New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal plane. [MCC 36.3455(G)]

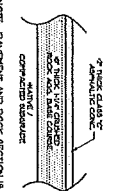
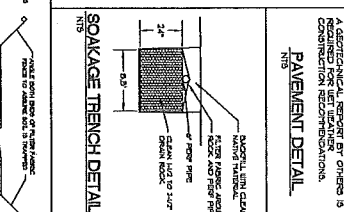
Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, Lisa Estrin, at (503) 988-3043 ext. 22597, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$61.00 will be collected. In addition, an erosion control inspection fee of \$82.00 may be required.

<p style="text-align: center;">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.</p>



1003

1003



TECHNICAL REPORT BY OTHERS
FOR WET WEATHER
TRACTION RECOMMENDATIONS.

DATE	NO.	REVISION	BY
DESIGNED:	LKF		
DRAWN:	LKF		
CHECKED:	RLM		
APPROVED:	RLM		

Surveyors & Planners, Inc.
Surveying, Planning and
Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730

PROJECT:	
LOCATION:	

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 Project Description:

Staff: The applicant is proposing to construct a two-story, 3,112 square foot accessory building. The 2,728 square foot first and will be used for vehicle storage and hobbies such as woodworking, stained glass work, personal beer brewing and general enjoyment of the building. The 384 square foot second floor will be used for storage. The applicant indicates that the accessory building is not intended for use as an auxiliary dwelling.

2.00 Multiple Use Agriculture – 20:

2.01 § 36.3425 REVIEW USES.

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.3420 Allowed Uses.

MCC 36.3420 Allowed Uses.

(F) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

- (a) Garages or carports;**
- (b) Pump houses;**
- (c) Garden sheds;**
- (d) Workshops;**
- (e) Storage sheds;**
- (f) Greenhouses;**
- (g) Woodsheds;**
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;**
- (i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;**
- (j) Sport courts;**
- (k) Gazebos, pergolas, and detached decks;**
- (l) Fences, gates, or gate support structures; and**
- (m) Similar structures.**

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to

issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

§ 36.0005 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessory Building - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

Accessory Use – A lawful use that is customarily subordinate and incidental to a primary use on a lot.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Staff: At present, no development exists on the subject property. The property owners will be constructing a 3,904 square foot dwelling with an attached 870 square foot garage. The total area of the dwelling is 4,774 square feet. Until the house is constructed and occupied, the proposed accessory building will not be accessory to a primary use on the site. A condition of approval has been included regarding the timing of the accessory building in relation to the primary use.

The proposed accessory building will be used for various hobby uses and vehicle storage. The northern 12-foot portion of the building will be a wood working and tool storage and provide access via stairs to the second floor. The southern 14-feet of the building will be used for hobbies such as stained glass construction and beer making and general enjoyment of the area. This area contains a three compartment sink, cook stove and toilet. The middle 36-feet will be for auto, boat and camper storage and will have a washer and dryer setup. The useable area of the accessory building will be approximately 3,112 square feet with most of the area on the first floor (2,728 square feet). The second floor has 384 square feet available for storage. The uses proposed for the building are typically found to be accessory, but the size of the structure requires the accessory use determination.

The applicant has provided materials to support that the footprint of the building is customary in the area.

Address	Zoning	Site Size	Largest Acc. Buildings
7235 SE 302 nd Ave	OR	1.94 ac	600 sq. ft.
7333 SE 302 nd Ave	OR	1.70 ac	768 sq. ft.
7040 SE 298 th	OR	1.01 ac	2272 sq. ft.
30005 SE Harris Pl.	OR	1.00 ac	1312 sq. ft.
29933 SE Roork Rd	MUA-20	2.00 ac	2880 sq. ft.
6914 SE 302 nd Ave	MUA-20	7.29 ac	972 sq. ft.

Based on above discussions and the conditions of approval, staff finds the proposed building will

be accessory to the proposed single family dwelling.

2.02 § 36.3455 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

(B) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: Additional right-of-way is not required for 302nd Avenue, therefore no increase is needed in the “Yard” requirements above. The site grading/erosion control/plot plan demonstrates that the proposed accessory building’s rear eaves extend approximately 2 feet into the rear yard setback. The building will need to be shifted to the west out of the rear yard area or the eave on the east side of the accessory building must be modified to comply with the setback criteria. *As conditioned, criterion met.*

2.03 (E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The Environmental Health Specialist has reviewed and approved an on-site sewage disposal system on the property, and requires a separate water meter be installed to monitor the amount of water being used in the accessory building (Exhibit A.10). A condition of approval has been included requiring the water meter installation.

A stormwater system has been designed to handle the increased impervious surfaces proposed for the 1.03 acre parcel. The proposed system shows stormwater discharging into the public right-of-way of 302nd Avenue. Piped or channelized stormwater discharge onto an adjacent property or public right-of-way is not acceptable under Oregon Drainage law unless the adjacent property owner grants an easement for the water discharge or in the case of the public right-of-way; the County Transportation section authorizes the additional water. *As conditioned, criteria met.*

2.04 (F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Staff: The applicant has applied for a Grading and Erosion Control permit. No ground disturbance shall occur, prior to the issuance of the permit. *Criterion met.*

- 2.05 (G) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.

Staff: A condition of approval has been included requiring compliance with the above criteria. *As conditioned, criterion met.*

- 2.06 (H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

- (1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or
- (2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the area.

Staff: The property owner will need to record the covenant prior to land use sign-off of the single family dwelling as the property to the east is in nursery stock. *As conditioned, criterion met.*

2.07 § 36.3470 LOT OF RECORD.

(A) In addition to the definition standards for a Lot of Record, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR and R zones applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, RC zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change to RC for some properties, Ord. 395;
- (6) May 16, 2002, Lot of Record section amended, Ord. 982

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 36.3485, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 36.3460, 36.3475, and 36.3400 through 36.3460, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot of less than the area or width requirements of this district.

(D) The following shall not be deemed to be a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest.
- (3) An area of land created by Court Decree

Staff: The subject property was created on September 13, 2013 with the recordation of Partition Plat 2006-146 (Exhibit A.14). *Criterion met.*

2.08 § 36.3480 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

Staff: The off-street parking code requires two parking spaces either in a garage or on the property. The proposed dwelling includes an attached three car garage. The accessory building can handle approximately six vehicles. *Criterion met.*

4.00 Transportation Standards

4.01 MCRR 4.000 Access to County Roads

MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;**
- B. Traffic Study-completed by a registered traffic engineer;**
- C. Access Analysis-completed by a registered traffic engineer;**
- D. Sight Distance Certification from a registered traffic engineer; and**
- E. Other site-specific information requested by the County Engineer**

Staff: The applicant has proposed to construct a new access onto 302nd Avenue which is under County Jurisdiction. The road is classified as a *Local Street* on the Functional Classification Map. The new access is shown on the applicant's site plan (Exhibit A.4). All required information has been submitted. *Criterion met.*

4.02 MCRR 4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: The subject property will be served by one driveway (Exhibit A.4). *Criterion met.*

4.03 MCRR 4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

Staff: For a single family residential use, a new or reconfigured driveway may range in size from 12 to a maximum of 25 feet wide. The new driveway will be 15 feet wide (Exhibit A.4). *Criterion met.*

4.04 MCRR 6.000 Improvement Requirements

MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

A. Frontage Improvement Requirements ***

Staff: The driveway serving the site must have a 20-ft wide paved approach to 302nd Avenue, a county road. This paved approach will be measured from the edge of pavement of 302nd Avenue. It must not create any drainage problems along the County Road. This paved approach will help to protect the County Road from debris from the new driveway, and will improve the

safety of this access. A \$1,000 deposit will be required for the paved approach. Please contact Alan Young at (503) 988-3582 regarding completion of this requirement prior to land use sign off for any building permits.

5.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination to establish a 3,178 square foot accessory building in the OR zone. This approval is subject to the conditions of approval established in this report.

6.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2013-3068 at the Land Use Planning office.

Exhibit ‘A’	# of Pages	Applicant’s Exhibits	Date Received/ Submitted
A.1	1	General Application Form	9.06.2013
A.2	1	Cover Sheet – Sheet CS	9.06.2013
A.3	1	Site Grading / Erosion Control /Plot Plan – Sheet 1 of 1	9.06.2013
A.4	1	Site Plan – Sheet A1.00	9.06.2013
A.5	1	House Floor Plan A3.10	9.06.2013
A.6	1	Accessory Building Floor Plan – Sheet A3.20	9.06.2013
A.7	1	Accessory Building Mezzanine Floor Plan – Sheet A3.21	9.06.2013
A.8	1	Accessory Structures in the Vicinity Marked on Aerial Photograph dated 08.16.13	9.06.2013
A.9	2	Description of Uses to occur within Accessory Building & Project Description	9.06.2013
A.10	5	Certification of On-Site Sewage Disposal for Dwelling and Accessory Structures	9.06.2013
A.11	11	Storm Drainage Design and Calculations dated June 06, 2013	9.06.2013
A.12	4	Fire Service Agency Review Form	9.06.2013
A.13	6	Certification of Water Service	9.06.2013
A.14	1	Statutory Warranty Deed for Parcel 1, Partition Plat 2006-146	9.06.2013
A.15	10	Storm Water Certificate dated May 12, 2010	9.06.2013
A.16	8	Accessory Structure Sizes on Surrounding Properties Similar to that Proposed for 7116 SE 302nd	10.10.2013
A.17	1	Payment of Notice Fee and Traffic Analysis Fee for Land Use Application	10.10.2013
‘B’	#	Staff Exhibits	Date

B.1	2	A&T Property Information for 1S4E29BC - 00201	9.06.2013
B.2	1	Partition Plat 2006 – 146	10.04.2013
B.3	2	Accessory Building Covenant	n/a
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	10.04.2013
C.2	1	Applicant's Acceptance of 180 Day Clock	10.10.2013
C.3	1	Complete Letter (Day 1)	10.10.2013
C.4	4	Opportunity to Comment	10.31.2013
C.5	10	Administrative Decision	12.19.2013