

1600 SE 190th Ave, Portland OR 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: T2-2018-10241

Permits: Accessory Use Determination & Significant Environmental Concern

Location: 3810 SE Hosner Terrace, Gresham
Tax Lot 400, Section 10CB, Township 1 South, Range 4 East, W.M.
Tax Account #R994100320 Property ID#341695

Applicant: Jeff Lightfoot **Property Owners:** Michael & Delia Wilson

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern for wildlife habitat (SEC-h) and scenic waterways (SEC-sw) / Hillside Development (HD)

Summary: The applicant is proposing to construct a 30-ft by 40-ft hobby shop and storage building on the subject property. An accessory use determination and significant environmental concern for scenic waterways permit must be approved to allow the use.

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, October 4, 2018 at 4:00 pm.

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 case planner, Lisa Estrin at 503.988.0167 or lisa.m.estrin@multco.us or 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.

Issued by:

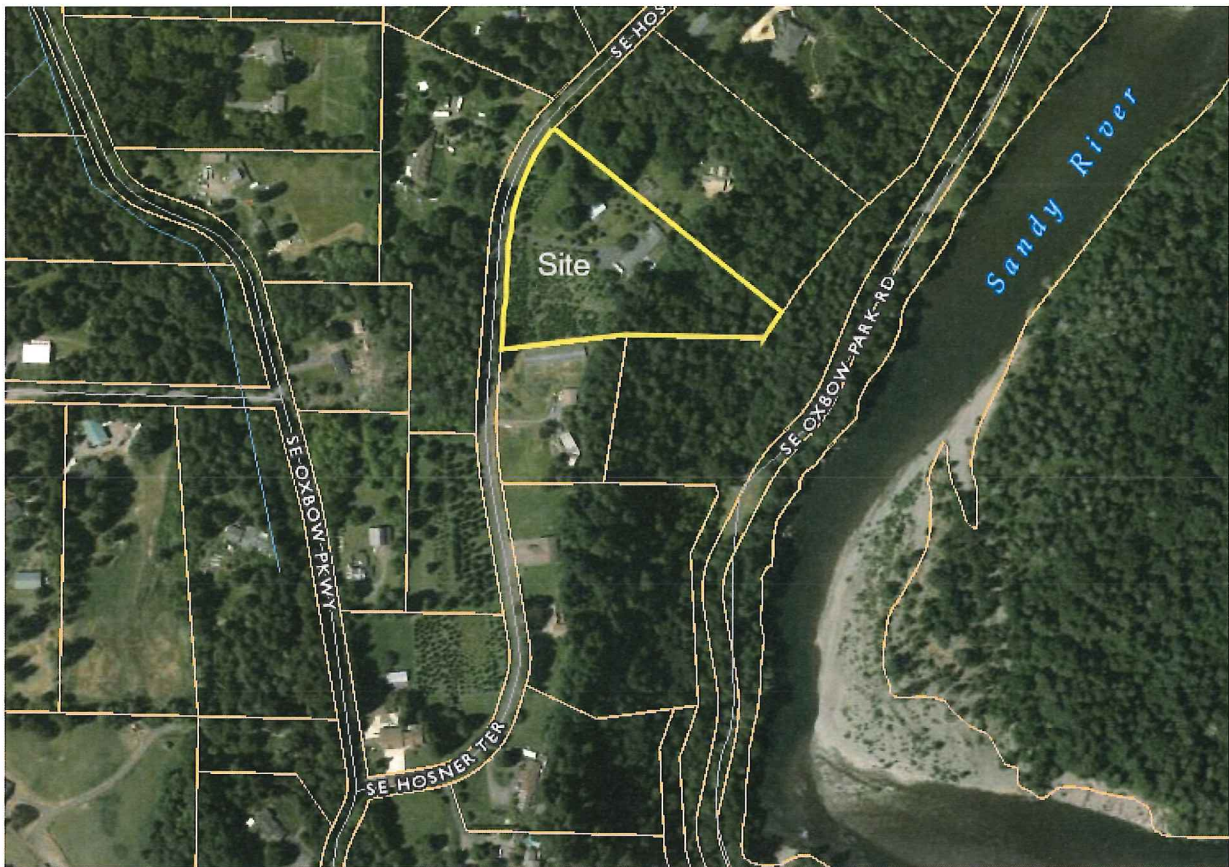
By:



Lisa Estrin, Senior Planner

For: Michael Cerbone, AICP
Planning Director

Date: Thursday, September 20, 2018



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 503-988-0167 or email lisa.m.estrin@multco.us.

Applicable Approval Criteria: Multnomah County Code (MCC): *Rural Residential*: MCC 36.3120(G) Allowed Uses – Accessory Structures..., MCC 36.3125(I) Review Uses – Structures customarily accessory..., MCC 36.3155 Dimensional Requirements and Development Standards, MCC 36.3170 Lot of Record. *SEC-sw*: MCC 36.4515 Uses – SEC Permit Required, MCC 36.4540 Application for SEC Permit, MCC 36.4545 Criteria for Approval of SEC-sw Permit.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at multco.us/landuse/zoning-codes under the link *Chapter 36: West of Sandy River Rural Plan Area*.

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 [brackets].

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 approved drawings and the limitations of approval described herein.



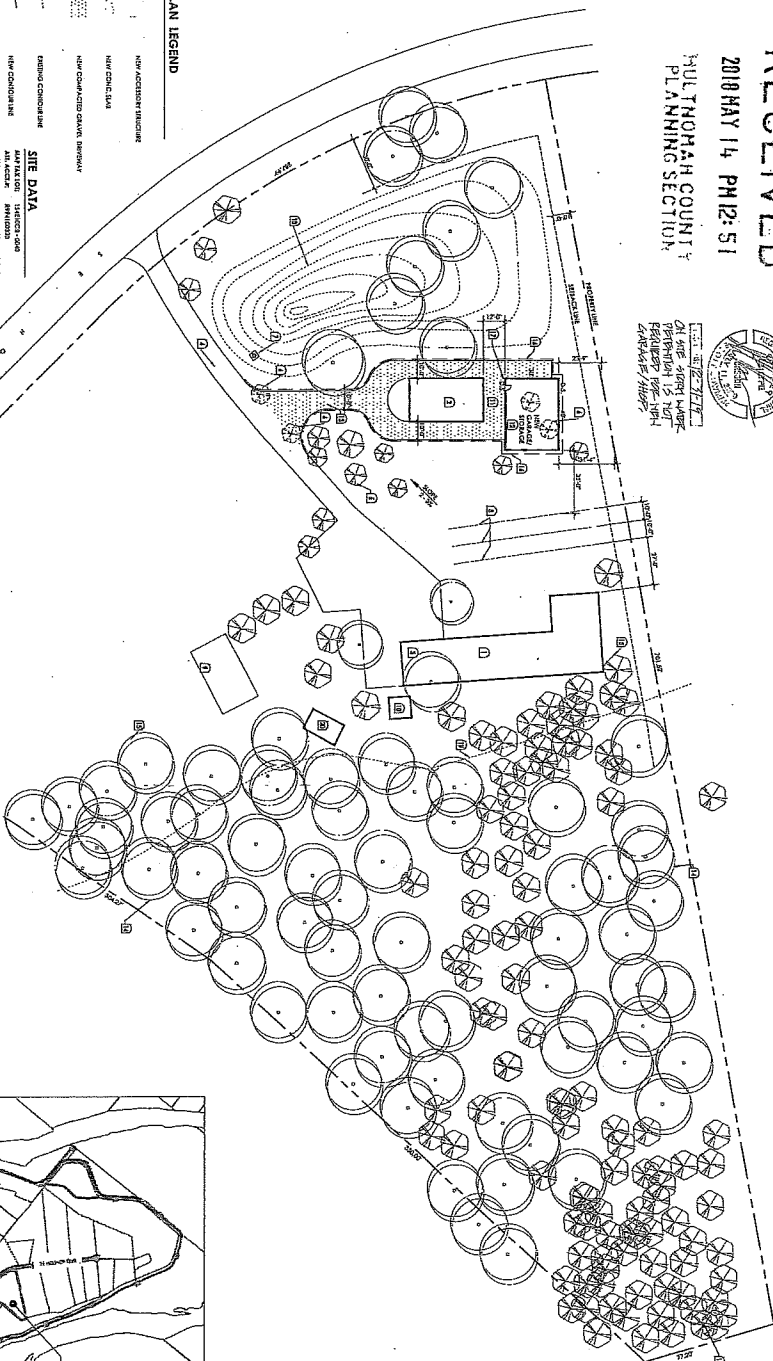
ON SITE STORM WATER
RETENTION IS NOT
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GRAVASS/SHOPS

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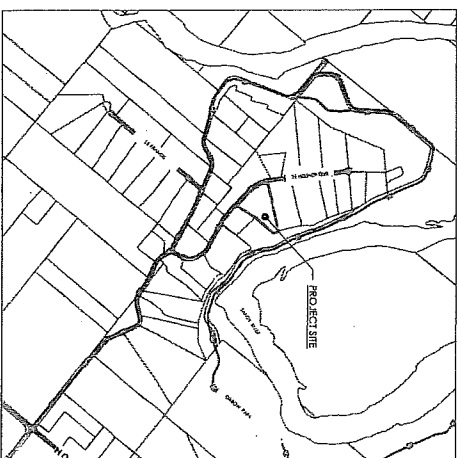
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1 EXISTING SITE PLAN WITH PROPOSED ACCESSORY BUILDING (1,200 s.f.)



2 VICINITY MAP



**Wilson Residence
Accessory Building**

3810 SE Hosner Terrace
Gresham, OR 97080

**Exhibit
A.22**

THIS ORIGINAL BUILT FROM THE
DRAWING IS 27" x 34" IF THIS
SHEET IS NOT 27" x 34" IT IS NOT TO
COUNT. DO NOT SCALE DRAWING

Editor

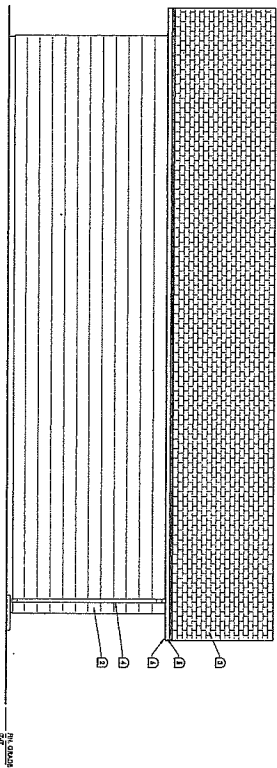
Suggestions

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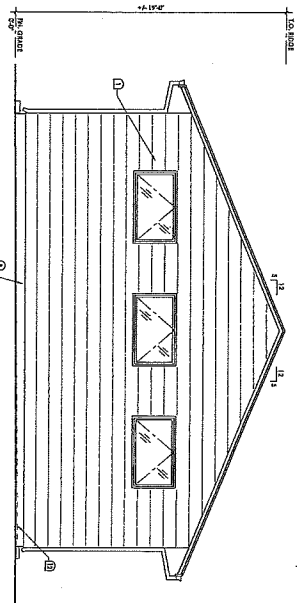
SITE PLAN VICINITY MAP

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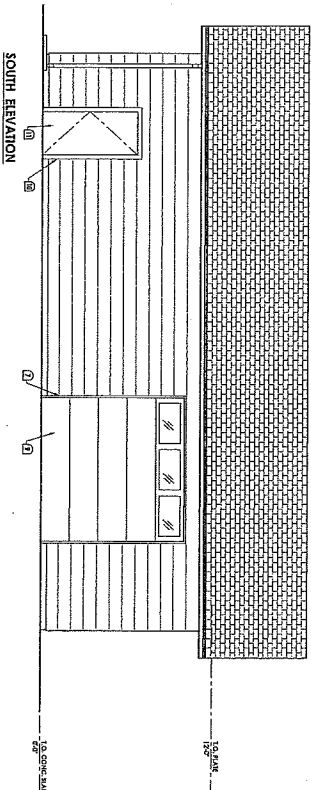
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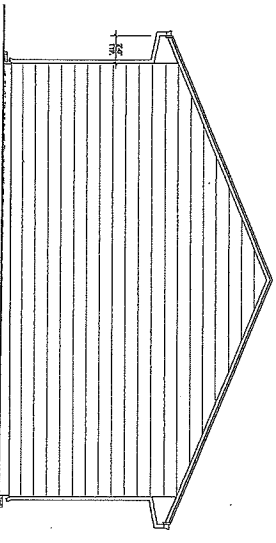
NORTH ELEVATION



EAST ELEVATION



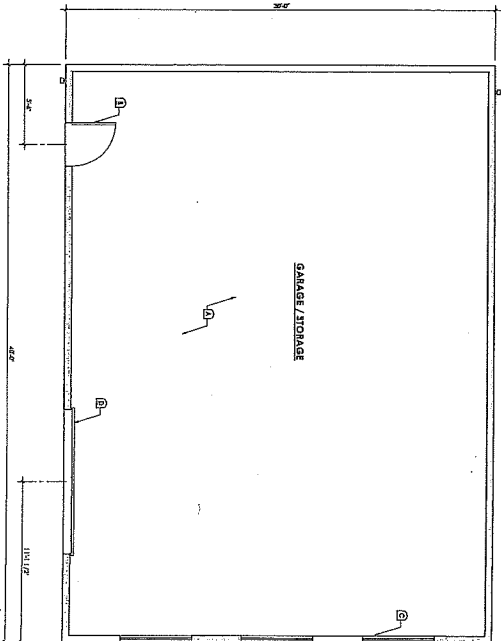
SOUTH ELEVATION



WEST ELEVATION

EXTERIOR ELEVATION KEYNOTES

1. VINYL SIDING - HORIZONTAL SLATS 1" x 4"
2. BRICK CHIMNEY - 12" x 16" x 12" x 12"
3. PREPARED SHILL - 1/2" x 1/2" x 1/2"
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11. 1 1/2" x 1 1/2" x 1 1/2" x 1 1/2"
12. 1 1/2" x 1 1/2" x 1 1/2" x 1 1/2"



FLOOR PLAN KEYNOTES

1. CHIMNEY
2. DOOR
3. WINDOW
4. WINDOW
5. WINDOW
6. WINDOW
7. WINDOW
8. WINDOW
9. WINDOW
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11. WINDOW
12. WINDOW

1. PROPOSED EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

2. PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

Project
Wilson Residence
Accessory Building
3810 SE Home Terrace
Capehart, OR 97030

Exhibit
A.23

THE DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

Client

DATE: 3.28.2018

Sheet Title

FLOOR PLAN
ELEVATIONS

Sheet Number

A1.1

2. This land use permit shall expire as described in a. or b. below:
 - a. When construction has not commenced within two years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - b. When the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surfaces(s) of the structure and compliance with all conditions of approval in the land use approval.

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. [MCC 37.0690(B)]

3. Prior to land use sign-off for building plan check, the property owner shall properly complete each of the detail in the form, sign before a notary and record the County's Covenant to Prohibit Residential Use of Accessory Structure document. [MCC 36.0565, MCC 36.3020(G)(5), MCC 36.3125(I)(7)]
4. Prior to land use approval for building plan check, the property owner or their representative shall add erosion control measures to the site plan to comply with MCC 29.350 through MCC 29.365. [MCC 36.3155(G)]
5. Prior to land use approval for building plan check, the property owner or their representative shall have the proposed building plans reviewed by the Gresham Fire Department for compliance with the Oregon Fire Code for access and fire flow. In addition, the property owner shall have the Gresham Fire Department sign the County's Fire Service Agency Review form. A copy of the signed form shall be presented to the County upon its completion. [MCC 29.003(B)]
6. No exterior lighting may be placed on proposed building without first demonstrating compliance with MCC 36.0570. The property owner shall obtain land use review for any exterior lighting to be installed on the proposed accessory building before its placement or installation. [MCC 36.3155(I)]
7. If any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented: [MCC 36.4545(F)]

Transportation Planning Requirements

Prior to Transportation Planning's approval for building plan check, please acquire an access permit for the site's driveway onto SE Hosner Terrace. All access points to County right-of-way must be permitted. Please submit access permit application (multco.us/drivewaypermit) with description of the driveway width and type (i.e. gravel or paved). Since BP-2011-1426 and T2-2010-914 document provides proof of previous Right-of-Way sign-off, the \$90 access permit application fee is waived. Please also submit the building permit and site plan (attached) from BP-2011-1426 as part of the driveway permit application. [MCRR 18.250]

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to submit for building plan check, the applicant shall complete the following steps:

1. Modify the plans to meet the Conditions of Approval and show the storm water and erosion control practices to be employed.
2. Contact Right-of-Way Permits at 503.988.3582, or email row.permits@multco.us for an appointment to review the plans for building plan check and to sign the building permit form. Failure to make an appointment can result in delay in entering building plan check or obtaining building permits.
3. After setting the appointment time with Transportation Planning, contact staff planner, Lisa Estrin, at (503) 988-0167, or email lisa.m.estrin@multco.us for an appointment for review and approval of the conditions and to sign the building permit plans. Please let the land use planner know of the appointment time for Transportation Planning so they can attempt to coordinate with Transportation Planning.

Please note, the Transportation Planning and Land Use Planning must review and sign off on the plans before the applicant can obtain building permits at 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, Land Use Planning will collect additional fees

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.

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 requesting approval for the property owner to build a 30-ft by 40-ft (1,200 sq. ft.) hobby shop and storage structure on the subject property. A Significant Environmental Concern for scenic waterways (SEC-sw) and Accessory Use Determination is required to authorize the new outbuilding.

2.00 Property Description & History:

Staff: The dwelling was originally constructed on the property in 1966 through 1968. An addition to the dwelling was completed in 2011 (authorized by T2-2010-914). Based on taxation records, the dwelling has an 809 sq. ft. attached garage. The property currently has three accessory buildings – a 1,008 sq. ft. storage building, a 384 sq. ft. tool shed and a 192 sq. ft. storage shed (1,584 sq. ft. of accessory buildings).

3.00 Rural Residential Criteria:

3.01 § 36.3120 ALLOWED USES.

(G) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

- (a) Garages or carports;**
- (b) Pump houses;**
- (c) Garden sheds;**
- (d) Workshops;**
- (e) Storage sheds, including shipping containers used for storage only;**
- (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 associated changing rooms;**
- (j) Sport courts;**
- (k) Gazebos, pergolas, and detached decks;**
- (l) Fences, gates, or gate support structures; and**
- (m) Mechanical equipment such as air conditioning unites, heat pumps and electrical boxes; and**
- (n) Similar structures.**

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

Staff: The floor plan for the use does not show a sink to be installed. The applicant has indicated the building will be used for storage and workshop (Exhibit A.3). The proposed uses have been determined to be accessory to a residential dwelling. The applicant has indicated that the building will not be used as a dwelling or other residential use. Additional finding regarding the square footage of all accessory buildings can be found in Section 3.07. *Criterion met.*

3.02 (4) The Accessory Structure shall not contain:

- (a) More than one story;**
- (b) Cooking Facilities;**
- (c) A toilet;**
- (d) Bathing facilities such as a shower or bathing tub;**
- (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or**
- (f) A closet built into a wall.**

Staff: The building will be a maximum of 19-ft tall at the ridgeline and will have only one story. The applicant's floor plan does not show any cooking facilities, toilets, bathing facilities, bedrooms, or closets to be built into the wall. *Criterion met*

3.03 (5) Compliance with MCC 36.0565 is required.

Staff: The applicant (Exhibit A.3) has indicated that they will record the required covenant that the owner understands and agrees that the structure cannot be occupied as a dwelling or residential use as required by MCC 36.0565. A condition of approval has been included requiring the covenants recordation.

3.04 * * *

(7) An Accessory Structure exceeding any of the Allowed Use provisions above, except for the combined footprints allowed for all buildings accessory to an ADU, shall be considered through the Review Use provisions.

Staff: The subject property currently contains three existing accessory buildings. They are a 192 sq. ft. storage shed, a 384 sq. ft. tool shed and a 1,008 sq. ft. workshop. The existing total square footage of accessory buildings is 1,584 sq. ft. The proposed 30-ft by 40-ft accessory building (Exhibit A.20) will add an additional 1,200 sq. ft. for a total accessory building square footage of 2,784 sq. ft. An accessory use determination will need to be made to allow the additional square footage proposed. See Section 3.07 below for additional findings through the Review provisions of MCC 36.3125(I).

3.05 (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be sued, whether temporarily

or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

Staff: The application is for a non-farm accessory building. It will be used to store personal items and not farm equipment. The applicant has not proposed a dwelling or residential use of the building (Exhibit A.3, A.24, A.27).

3.06 § 36.3125 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, or as specified for the use.

(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 36.3120 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

Staff: The applicant is proposed a workshop/storage building which are considered accessory uses to a single family dwelling as listed in MCC 36.3120(G)(1). Unfortunately, the size of the new accessory building along with existing accessory buildings have exceeded the size limitations of 2,500 sq. ft. as an allowed use [MCC 36.3120 (G)(5)] and requires an Accessory Use Determination through the Review Use provisions of MCC 36.3125(I).

The proposed accessory building will not be used as a dwelling or residence. It will contain no bathing tub, toilet, shower, cooking facilities or sleeping implements (Exhibit A.3 & A.23).

3.07 (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

Staff: The applicant states that the proposed structure will be used in numerous ways that are customary and incidental to the residential use of the subject property. He indicates that the owners intend to use 1/3 of the structure (400 sq. ft.) as a garage for their truck & boat, another 1/3 (400 sq. ft.) for garden equipment and hand tool storage and the remaining 1/3 (400 sq. ft.) as a workshop/hobby area. In addition, the applicant has supplied comparable accessory structures on neighboring properties to show that the building is customarily accessory in the area. Showing that other properties in the area have similar sized outbuildings or larger outbuildings does not address the above standard but a prior accessory

use code that was replaced in 2017. The applicable criterion is that the combined building footprint is the minimum possible departure from the 2,500 to accommodate the use.

Currently the property owners have at their disposal, a 192 sq. ft. storage shed, a 384 sq. ft. tool shed, and a 1,008 sq. ft. workshop (1,584 sq. ft.). The dwelling also has a three car garage attached. The proposed 30-ft by 40-ft accessory building (Exhibit A.20 & A.3) will add an additional 1,200 sq. ft. for a total accessory building square footage of 2,784 sq. ft. The property owner has submitted photographs of interior of the 1,008 sq. ft. workshop. The photos show the building is currently full of boxes and other personal goods (Exhibit A.30). The photos of the 384 sq. ft. three-sided tool shed show it is being used for the storage of two lawn tractors, carts and miscellaneous gardening equipment. The applicant's narrative indicates that 400 sq. ft. of the new building will be used for the same items. While the applicant and property owner have not really demonstrated that the garden and hand tool storage and workshop could not fit within the existing accessory buildings, the proposed building is only 284 sq. ft. over the allowed square footage of 2,500 sq. ft. Land Use Planning will allow this departure as the 1,008 work shop has been modified so that it no longer has a garage/barn type door to allow access of motor vehicles and the storage of boats on trailers. Any future requests for additional accessory storage space may be difficult to obtain based on the County's Minimum Possible Departure standard.

3.08 (7) Compliance with MCC 36.0565 is required.

Staff: The applicant has indicated that they will record the required covenant that the owner understands and agrees that the structure cannot be occupied as a dwelling or residential use as required by MCC 36.0565. A condition of approval has been included requiring the covenants recordation.

3.09 § 36.3155 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this district shall comply with the applicable provisions of this section.

(C) 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.

(D) 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: The applicant's site plan shows the proposed building will be approximately 156 feet from the front lot line (western), 23 feet from the northern side property line, 300+ feet from the southern side property line and over 450 feet from the rear property line (eastern) (Exhibit A.20). No additional right-of-way is needed for Hosner Terrace so the basic

Minimum Yard Dimensions of (C) are applicable. The proposed height of the building will be 19 feet to top of ridge (Exhibit A.23). *Criterion met.*

3.10 (F) 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 offsite in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 400 square feet in area. 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 applicant has addressed the stormwater for the proposed building by providing a Storm Water Certificate indicating that a system is not required (Exhibit A.13 & A.22). The plans indicate gutter and splash block system to be used (Exhibit A.24 & A.20). The Sanitarian has reviewed the placement of the proposed building in relation to the existing on-site sewage disposal system and finds that it will not impact the system (Exhibit A.21).

Criterion met.

3.11 (G) Grading and erosion control measures sufficient to ensure that visible or measureable 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 discussed what ground disturbance will be needed to construct the new building (Exhibit A.24 and A.20). Based on this information, it appears that the project will qualify as a Minimal Impact Project pursuant to Chapter 29. As part of the building permit processes, the site plan will need to be amended to show adequate erosion control for the project. A condition of approval has been included to prevent erosion from occurring.

Through a condition, this criterion will be met.

3.12 (I) All exterior lighting shall comply with MCC 36.0570.

Staff: The applicant states "No exterior lighting is contemplated." A condition of approval has been included with this permit. No exterior lighting may be placed on proposed building without first demonstrating compliance with MCC 36.0570.

3.13 § 36.3170 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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 zone 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, RR zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;

(6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;

(7) 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 36.3185, 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 36.3160, 36.3175, and 36.4300 through 36.4360, 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 minimum lot or yard requirements or result in a lot with 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 County found in 2010 (T2-2010-914) that the subject 4.44 acre parcel was a Lot of Record created by deed in 1967. The subject property is in the same configuration as 1967. *The subject property is a Lot of Record.*

4.00 Significant Environmental Concern for Scenic Waterway Criteria

4.01 § 36.4515 USES - SEC PERMIT REQUIRED.

All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that development, including but not limited to, the location and design of any use, or change, replacement or alteration of a use, except as provided in MCC 36.4520, shall be subject to an SEC permit.

(C) Activities proposed for lands designated as Scenic Waterways under the Oregon Scenic Waterways System shall be subject to an SEC-sw permit in addition to approval from the Oregon Parks and Recreation Department.

Staff: The applicant has applied for a SEC-sw approval to construct a 30-ft by 40-ft accessory building. The Oregon Parks and Recreation Department has reviewed the proposed structure and finds that it is acceptable (Exhibit A.26).

4.02 § 36.4540 APPLICATION FOR SEC PERMIT.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC 36.4545 through 36.4560. An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply

as nearly as possible with the criteria for all designated resources that would be affected.

(A) General SEC: All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed.

(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SEC-sw, SEC-wr, SEC-h.

(2) A map of the property drawn to scale showing;

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Location of natural drainageways, springs, seeps, and wetlands on the site. The Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(e) Proposed fill, grading, site contouring or other landform changes;

(f) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.

(3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.

(4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development;

Staff: The applicant has provided the above information in Exhibits A.1 through A.30.
Criteria met.

4.03

(B) SEC-Scenic Waterway: In addition to the information in 36.4540(A), an application in the SEC-sw overlay area shall include a letter from the Oregon Parks and Recreation Department which indicates that the proposed development as shown on the site map and scaled drawing required in (A)(2) and (3) above has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

(1) For areas within the SEC-sw overlay, the building design shall also include a description of the exterior materials and proposed exterior colors including roofing.

Staff: The applicant has received an email from the Oregon Parks and Recreation Department. Their representative finds that the building is exempt from their approval (Exhibit A.26). The applicant has provided elevations, exterior materials and colors for the proposed building (Exhibits A.11, A.23, A.3 and A.24). *Criteria met.*

4.04 § 36.4545 CRITERIA FOR APPROVAL OF SEC-SW PERMIT - SCENIC WATERWAY.

The SEC-sw designation shall apply to those wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. An application shall not be approved unless it contains the information in 36.4540(A) and (B). Any proposed activity or use requiring an SEC-sw permit shall be subject to the following:

(A) Submittal of a letter from the Oregon Parks and Recreation Department which indicates that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

Staff: Oregon Parks and Recreation Department was given the opportunity to review the proposals and finds that it does not need approval from them (Exhibit A.26). Planning staff finds that the proposed building is consistent with the Oregon Scenic Waterway Management Plan based upon their statement. *Criterion met.*

4.05 (B) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Staff: The proposed accessory building is approximately 450 feet from the eastern property line and approximately 750 feet from the edge of the Sandy River. The proposed placement requires the removal of three trees (Exhibit A.20). The site has approximately 290 feet of forest between the existing improvements on the property and the eastern property line. *Criterion met.*

4.06 (C) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Staff: The subject site is 4.44 acres of Rural Residential zoned land. The property previously was in farm deferral up until 2016 when it was disqualified or removed by the current property owner. The proposed placement of the new accessory building will leave a 1.25 acre area that could be returned to holiday tree production if the owner chose to in the future. In addition, the proposed placement leaves the 1.18 acres of forest between the river and the development of the site. *Criterion met.*

4.07 (D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Staff: The proposed placement of the accessory building will be constructed adjacent to an existing outbuilding. Its placement is screened from the River and outside of the County's Significant Environmental Concern zone for wildlife habitat (SEC-h). Its placement preserves the habitat for wildlife and protection of the scenic and wild river. *Criterion met.*

- 4.09 (E) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion.**

Staff: There is approximately 270 feet between the eastern property line and the Sandy River. Approximately 290 feet of protected forest exists on the site between the eastern property line and the existing dwelling. This forested area was protected under land use case T2-2010-914 for the past expansion of the single family dwelling on the property. *Criterion met.*

- 4.10 (F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

Staff: There are no known architectural resources in the area or on the subject property. A condition of approval has been included requiring construction activities to cease if any are exposed during construction. *Criterion met.*

- 4.11 (G) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

Staff: Ground disturbance will be limited to the accessory building area and the two driveway paths (Exhibit A.20 & A.24). A condition of approval requires the property owner to demonstrate compliance with the County's Grading and Erosion Control requirements of Chapter 29. *Through a condition, criterion met.*

- 4.12 (H) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

Staff: The applicant has provided building elevations (Exhibit A.23) for the proposed building and has indicated that no exterior lighting is proposed. The following materials will be used on the building:

Building Feature	Materials	Color
Roofing	Oakridge Style Architectural Shingles	Estate Grey
Siding	Horizontal Lap	Miller Paint, Vapor 0407
Fascia & Door Trim		Miller Paint, Off White
Overhead Garage Door	Insulated Aluminum	Miller Paint, Vapor 0407
Windows	Aluminum	Bronze

The proposed gabled building will be one story in height and will be similarly designed to be compatible with the existing single family dwelling on the property. The building is similar to other accessory building styles in the area based on the photographs submitted by the applicant (Exhibits A.4 through A.7). No signs are proposed for this accessory building. *Criterion met.*

4.13 (I) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Staff: The subject property has significant tree cover between the developed area of the parcel and the eastern property line. This area has been designated as wildlife habitat (SEC-h) due to its extensive natural vegetation. The proposed application places the new accessory building outside of this area and proposes no tree or vegetation removal for the SEC-h area.
Criterion met.

5.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination and Significant Environmental Concern for scenic waterways permit to establish an additional accessory building in the Rural Residential 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 T2-2018-10241 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	4/3/2018
A.2	1	List of Approvals sought by Mike Wilson	4/3/2018
A.3	4	Narrative for Wilson Project	4/3/2018
A.4	1	#1 4567 SE Oxbow Parkway Photo	4/3/2018
A.5	1	#2 4146 SE Hosner Terrace	4/3/2018
A.6	1	#3 3604 SE Hosner Terrace	4/3/2018
A.7	1	#4 3600 SE Hosner Terrace	4/3/2018
A.8	1	Q148-3810 SE Hosner Terrace, Gresham OR 97080	4/3/2018
A.9	1	Narrative #s: 1, 4, 8, 9, 10 & 11	4/3/2018
A.10	1	Narrative #s: 8,9, 10 & 11	4/3/2018
A.11	1	Color and Roof Samples #9	4/3/2018
A.12	1	#45 Habitable Dwelling	4/3/2018
A.13	1	Storm Water Certificate	4/3/2018
A.14	1	Fire Service Agency Review (unsigned)	4/3/2018

A.15	1	Authorizing Representative	4/3/2018
A.16	1	Septic Evaluation Application	4/3/2018
A.17	1	Jeff Lightfoot Email regarding Septic Review Certification dated January 3, 2018	4/3/2018
A.18	3	Title Co. Owner Information	4/3/2018
A.19	3	Statutory Warranty Deed recorded at 2016-113063	4/3/2018
A.20	1	Site Plan	4/3/2018
A.21	4	Septic Review Certification (signed)	4/17/2018
A.22	1	Site Plan stamped by Scott Bowman, Engineer indicating that on-site sewage detention is not required	5/14/2018
A.23	1	Proposed Building Elevations	5/14/2018
A.24	7	Amended Narrative	5/14/2018
A.25	2	Photos of Swale	5/14/2018
A.26	2	Scenic Waterways Emails	5/14/2018
A.27	1	Owners' Statement of Need	5/14/2018
A.28	3	Photos of Materials and 384 sq. ft. tool shed	5/14/2018
A.29	17	Applicant's Response dated 6/15/2018 and Duplicate Materials	6/19/2018
A.30	2	Interior Photos of 1,008 sq. ft. workshop	8/29/2018
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1S4E10CB – 00400	4/3/2018
B.2	4	2016 Photos of Subject Property from Zillow Real Estate Ad	9/6/2018
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	4/19/2018
C.2	1	Applicant's Acceptance of 180 Day Clock	4/26/2018
C.3	2	Second Incomplete Letter	6/08/2018
C.3	1	Complete Letter (Day 1 – June 26, 2018)	6/26/2018
C.4	3	Opportunity to Comment	6/29/2018
C.5	15	Administrative Decision	9/20/2018