



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): General Provisions: MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record - Multiple Use Agriculture – 20 (MUA-20)

Multiple Use Agriculture (MUA-20): MCC 39.4310(F) Allowed Uses - Accessory Structures, MCC 39.4325 Dimensional Requirements and Development Standards

Significant Environmental Concern (SEC) Districts: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5540 Criteria for Approval of SEC Permit

Exterior Lighting: MCC 39.6850 Dark Sky Lighting Standards

Accessory Structures – Condition of Approval: MCC 39.8860 Conditions of Approval

Comprehensive Plan Policies: Chapter 3 – Farm Land: Policy 3.15

Chapter 5 – Natural Resources: Policy 5.14 and 5.43

Chapter 6 – Historic and Cultural Resources: Policy 6.4

Chapter 11 – Public Facilities: Policy 11.12, 11.13, and 11.17

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: **Chapter 39 - Zoning Code.**

Copies of the referenced Comprehensive Plan Policies can be obtained by contacting our office or by visiting our website at <https://multco.us/landuse/comprehensive-plan/> under the link **Multnomah County Comprehensive Plan**.

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. 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.

1. Permit Expiration – This land use permit shall expire as follows:
 - a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - ii. For purposes of Condition 1.a, notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
 - For the purposes of 1.b., completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. Prior to land use sign-off for building plan check, the property owner(s) or their representative(s) shall:
 - a. Record pages 1 through 6, Exhibit A.9 (Plan View and Elevation Views), and Exhibit A.15 of this Notice of Decision with the County Recorder. The exhibits shall be reduced to a size of 8.5” x 11” for recording purposes. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant’s expense. [MCC 39.1175]
 - b. Record a covenant, which is exhibited as Exhibit B.7, with the County Recorder that states that the owner understands and agrees that the accessory building cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 39.4310(F)(5) and MCC 39.8860]

- c. Obtain a Type 1 Flood Development permit [MCC 39.5540(I)]
3. At the time of land use sign-off for building plan check, the property owner(s) or their representative(s) shall:
 - a. Obtain a Minimal Impact Project permit and pay the associated fee as required by MCC 39.6220. [MCC 39.5540(J)]
 - b. Submit a paint chip or paint sample of the exterior colors of accessory building. The colors shall be a dark red earth tone. Alternatively, if another color is chosen, the colors shall be an earth tone or dark earth tone found at the specific site or in the surrounding landscape. The color shall match rows A through E of the *Columbia River Gorge Commission Scenic Resources Implementation Handbook*. [MCC 39.5540(L)]
4. Prior to and during construction, the property owner(s) or their representative(s) shall ensure that:
 - a. All BMP measures are installed and maintained. The BMP measures shall be required to meet the Minimal Impact Project permit requirements of MCC 39.6220. [MCC 39.5540(J)]
5. During construction, the applicant(s), property owner(s), or their representative(s) shall follow the following procedures.
 - a. These procedures shall be in effect if any Cultural Resources and/or Archaeological Resources are located or discovered on the tax lots or within the project area, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts:
 - Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - Notification – The project applicant shall notify the County Planning Director and the State Historic Preservation Office (SHPO) within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
 - Survey and Evaluation – The applicant shall follow any and all procedures outlines by SHPO and if necessary obtain the appropriate permits (see ORS 273.705 and ORS 358.905 to 358.955).
 - All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.
 - Construction activities may recommence when SHPO requirements are satisfied. [MCC 39.5510(B), MCC 39.5540(H), and Comprehensive Plan Policy 6.4]
 - b. The following procedures shall be in effect if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
 - Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

- Notification – Local law enforcement officials, the Multnomah County Planning Director, State Historic Preservation Office and the Indian tribal governments shall be contacted immediately.
 - Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and this protection process may conclude.
 - Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760. [MCC 39.5510(B), MCC 39.5540(H), and Comprehensive Plan Policy 6.4]
6. As an on-going condition, the property owner(s) shall:
- a. Not use the accessory building, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use. [MCC 39.4310(F)(2)]
 - b. Not have mattress(es), bed(s), Murphy bed(s), cot(s), or any other similar item(s) designed to aid in sleep as a primary purpose in the accessory building, unless such item is disassembled for storage. [MCC 39.4310(F)(4)]
 - c. Ensure that the exterior colors of the accessory building are painted a dark red earth tone. Alternatively, if another color is chosen, the colors shall be an earth tone or dark earth tone found at the specific site or in the surrounding landscape. The color shall match rows A through E of the *Columbia River Gorge Commission Scenic Resources Implementation Handbook*. [MCC 39.5540(L)]
 - d. Ensure that all exterior lighting supporting the accessory building shall be installed as proposed. The exterior lighting shall be fully shielded with opaque materials and directed downwards.
 - “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding.
 - Shielding must be permanently attached.
 - The exterior lighting shall be contained within the boundaries of the parcel on which it is located. [MCC 39.4325(J), MCC 39.5540(L), MCC 39.6850, and Comprehensive Plan Policy 5.43]
7. At the time of obtaining the Final Occupancy permit (i.e., Certificate of Occupancy) for the replacement dwelling authorized by BP-2020-13590, the applicant(s), property owner(s), or their representative(s) shall:
- a. Within fourth-five (45) days remove that the non-permitted well house attached to the 600 square feet accessory building known as the “barn.” [MCC 39.1515, MCC 39.4310(F)(6)]
 - For the purposes of 7.a above, upon completion of the removal of the well house, photographs of the accessory building shall be sent to Staff Planner,

Rithy Khut at rithy.khut@multco.us to ensure that the well house was removed and the 600 square feet accessory building (“Barn”) was returned back into its original configuration.

- b. Within six (6) months schedule and have completed a site inspection with the Code Compliance office to verify that the non-permitted well house attached to the 600 square feet accessory building known as the “barn” has been completely removed from the property. [MCC 39.1515, MCC 39.4310(F)(6)]

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to land use sign-off for building plan check...” Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us to review your plans, obtain your access permit, and satisfy any other requirements. You may schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/> or leave a message at 503-988-3582. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Contact Rithy Khut, Planner, at 503-988-0176 or rithy.khut@multco.us, **for an appointment** for review of the conditions of approval and to sign the building permit plans. Please ensure that any items required under, “At the time of land use sign-off for building plan check...” are ready for land use planning review. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department.

The above must be completed before the applicant can obtain building permits from the City of Portland. Five (5) 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 may collect additional fees, including an erosion control inspection fee, if applicable.

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*.

1.0 Project Description:

Staff: The applicant requests a Significant Environmental Concern permit to authorize the construction of a new accessory structure on the property known as 26722 NW Reeder Road, Portland and identified as tax lot 500, Section 26A, Township 3 North, Range 1 West, W.M. (“subject property”).

2.0 Property Description & History:

Staff: The Significant Environmental Concern (SEC) application is for 26722 NW Reeder Road, which is also known as tax lot 500, Section 26A, Township 3 North, Range 1 West, W.M. The property is 4.91 acres and is located on the east side of NW Reeder Road within the Multiple Use Agricultural (MUA-20) zoning district in the Sauvie Island and Multnomah Channel rural area. The entire property is located within the SEC overlay and Areas of Special Flood Hazard.

Multnomah County Department of Assessment, Records, and Taxation (DART) data indicates that the subject property is owned by Amy Jarvis, the applicant, and Howard Jarvis. According to DART records, the subject property contains a single-family dwelling with carport and two decks, a farm building, and a green house. The dwelling was first assessed in 1871. Aerial photo review from 2018 confirms the presence of the single-family dwelling with carport, the farm building, and greenhouse (Exhibit B.X). The two decks are potentially obscured by trees on the property.

The subject property has had an extensive permit history; below are the land use and building permits that are on record:

Case Number	Year	Description
LE 5-83	06/22/1983	Creation of three (3) lots of exception
LD 37-83	08/29/1983	Subdivision of four (4) Lots
Building Permit	1997	20’ by 30’ barn to be used as part of a home occupation
T3-2019-12052	02/26/2020	Conditional Use permit for a Type C Home Occupation, a Significant Environmental Concern permit for a replacement single-family dwelling, and an agricultural building. Hearings Officer approved with conditions the Significant Environmental Concern (SEC) permit for a replacement dwelling and denied requests for an agricultural building and Conditional Use Permit for a Type C Home Occupation

T1-2020-13309	07/28/2020	Erosion and Sediment Control permit and Flood Development permit associated with T3-2019-12052 for a new single-family dwelling to replace the existing single-family dwelling
BP-2020-13590	08/01/2020	Zoning Review for replacement single-family dwelling associated with T3-2019-12052 and T1-2020-13309

The subject property also has an active code compliance issue on the property. The code compliance case is below:

Case Number	Year	Description
UR-2019-11503	2019	Owner request for a voluntary compliance agreement to resolve a compliance issue related to a non-permitted accessory structure placed on the property and within an SEC overlay area and within the floodplain.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 as exhibited as Exhibit C.2. Staff did not receive any public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

Staff identified an active code compliance case, UR-2019-11503. The compliance case relates to the expansion of an accessory structure on the property that is located within the Significant Environmental Concern (SEC) overlay area and within the floodplain. As shown on Exhibit A.15, the accessory structure (known as the “well house”) is north and east of the single-family dwelling and is built into an existing accessory structure (known as the “barn”). Staff described these issues to applicant and the property owners have entered into a Voluntary Compliance Agreement (VCA) with the County to bring the property back into full compliance (Exhibit B.7). As part of the VCA, the applicant has submitted an application, T3-2019-12052 to review a new single-family dwelling that will replace the existing single-family dwelling. The replacement single-family dwelling was approved and the applicant has obtained Land Use Planning zoning review sign-off under BP-2020-13590 to authorizing building plan check at the City of Portland. At the completion of the construction of the replacement single-family dwelling, the well house will be removed and the barn will be returned back into its last legal configuration.

As the applicant has acquired the permits as a component of the sequencing of permits/approvals, which are part of a VCA agreement, the action will result in the movement towards returning this property back into full compliance with all applicable provisions of Multnomah County Code. *This criterion is met.*

5.0 Lot of Record Criteria:

5.1 § 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

Staff: The subject property was found to be a Lot of Record in T3-2019-12052. As the subject property has not been subject to a subsequent boundary reconfiguration since those findings were written, the subject property continues to be a Lot of Record. *These criteria are met.*

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

- 1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.**
- 2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.**

Staff: The subject property subject to this land use application is not congruent with an “acknowledged unincorporated community” boundary, which intersects a Lot of Record. The subject property in its entirety is zoned MUA-20. *This criterion is not applicable.*

5.2 § 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 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, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

Staff: Criterion (A) does not affect the determination on this case, as the text is a list of significant dates and ordinances. *This criterion is not applicable.*

(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 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The Lot of Record is approximately 4.91 acres in size. The minimum lot size to create a new parcel in the MUA-20 zone is 20 acres. The MUA-20 zone has a required 50-foot Front Lot Line length for the creation of new parcels or lots. The front lot line of the subject property fronts a public right-of-way known as Reeder Road. The frontage length of Reeder Road is approximately 233 feet (Exhibit B.2). As the subject property is less than the minimum lot size for new parcels or lots, but was found to be a Lot of Record in the findings contained in Section 5.01, it may be occupied by any allowed, review or conditional use provided the Lot of Record is in compliance with the other requirements of the MUA-20 district, which are discussed in the remainder of this decision.

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, 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.

Staff: The applicant is not proposing the sale or conveyance of any portion of a lot; therefore, Criterion (C) does not affect the determination on this case and is not applicable. *This criterion is not applicable.*

(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: As discussed above, the subject property is a Lot of Record. Additionally, as described by the Department of Assessment, Recording, and Taxation, the entirety of the lot is contained within 3N1W26A-00500 (tax lot 500). Tax lot 500 is not an area of land described solely for assessment and taxation purposes. Tax lot 500 is also not an area of land created by the foreclosure of a security interest or an area of land created by court decree. The subject property known as tax lot 500 was created under land use cases LE 5-83 granting Lots of Exception, LD 37-83 granting a Land Division and through the recording of a subdivision plat known as Reeder Estates on August 29, 1983 (Exhibit B.3). *These criteria are met.*

The subject property is a Lot of Record.

6.0 Multiple Use Agriculture (MUA-20) Criteria:

6.1 § 39.4310 ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone 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 units, heat pumps and electrical boxes; and**
- (n) Similar structures.**

Staff: The applicant is requesting to establish an accessory building on the subject property. The accessory building will contain areas for storage of gardening and small-scale farming equipment, vehicles, domestic animals, and supplies. (Exhibit A.11). As provided in the list above, the storage of vehicles is similar to a garage, the storage of gardening and small-scale

farming equipment is similar to a storage shed, and the storage of domestic animal will be used for the shelter of pets, horses, or livestock. All of the listed uses are accessory to the single-family dwelling that is located on the subject property. As such, the accessory building is customarily accessory and incidental to a use permitted in the Multiple Use Agriculture – 20 (MUA-20) zone. *This criterion is met.*

(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.

Staff: The accessory structure is not designed, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters, or any other residential use. As shown in the building plans, the accessory structure has an open layout with three 10-foot-by-10-foot garage doors (Exhibit A.9). Further to ensure that this criterion is met, an on-going condition of approval will be required that the accessory structure shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters, or any other residential use. *As conditioned, this criterion is met.*

(3) The Accessory Structure may contain one sink.

Staff: The applicant is not proposing a sink within in the accessory structure. The building plans also do not indicate a sink will be located within the accessory structure. Therefore, this criterion is not applicable. *This criterion is not applicable.*

(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 accessory structure does not contain any of the features within the above list. As shown in the building plans, the accessory structure has an open layout with three 10-foot-by-10-foot garage doors (Exhibit A.9). No cooking facilities, toilet, bathing facilities or closets are shown in the plan. Additionally, the Elevation Views and Section A plans show that the accessory structure is one story (Exhibit A.9, page 3). Lastly, to ensure that the criterion within subsection (4)(e) is met, an on-going condition of approval is included that states if a mattress(es), bed(s), Murphy bed(s), cot(s), or any other similar item(s) designed to aid in sleep as a primary purpose, are placed in the accessory building they shall only be in a disassembled state for storage. *As conditioned, these criteria are met.*

(5) Compliance with MCC 39.8860 is required.

Staff: As required above, compliance with MCC 39.8860 is required. MCC 39.8860 states:

§ 39.8860- CONDITION OF APPROVAL --ACCESSORY STRUCTURES.
Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.

As the applicant is proposing an accessory building, they will be required to comply with the above requirement. A condition of approval has been included that prior to issuance of any development permit involving an Accessory Building, the property owner shall provide evidence that a covenant has been recorded with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. *As conditioned, this criterion is met.*

(6) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet and the combined footprints of all Accessory Buildings on a Lot of Record, including buildings accessory to an ADU, shall not exceed 2,500 square feet.

Staff: As required above, the combined footprints of all Accessory Buildings on a Lot of record shall not exceed 2,500 square feet. The site plan indicates there are two existing buildings and one proposed building (Exhibit A15). As measured on the site plan, the two existing buildings are 30 feet by 20 feet (600 square feet) and 25 feet by 15 feet (375 square feet). The proposed accessory building will be 34 feet by 44 feet (1,496 square feet). An existing unpermitted 13.75 feet by 5 feet well house attached to the 30 feet by 20 feet accessory building will be demolished after the construction of the new dwelling. After the removal of the well house structure, the combined footprints of all detached Accessory Buildings on the Lot of Record are 2,471 square feet, which is less than the 2,500 square foot threshold. *This criterion is met.*

(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 proposal for the accessory structure does not exceed any of the Allowed Use provisions; therefore, the accessory structure does not need to meet the requirements within the Review Use provisions of MCC 39.4315(H). *This criterion is met.*

(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 used, 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 applicant is not proposing a building in conjunction with a farm use as defined in ORS 215.203; therefore, this criterion is not applicable. *This criterion is not applicable.*

6.2 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

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

(A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Staff: The applicant is not requesting the creation of a new parcel or lot; therefore, criterion (A) and (B) do not affect the determination on this case and are not applicable. *These criteria are not applicable.*

(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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 yard dimensions are required to ensure that there is sufficient open space between buildings and property lines to provide space, light, air circulation, and safety from fire hazards. Additionally, as required under criterion (D), minimum yard dimensions are required to be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The right-of-way adjacent to the subject property is Reeder Road, a rural local road. A rural local road is required to be 50 feet. As indicated in DART assessment maps, right-of-way adjacent to the property is 50 feet wide, which is sufficient to serve the area. (Exhibit B.2). Therefore, the minimum yard dimensions do not need to be increased.

The applicant has provided a site plan showing the location of the proposed accessory building, and all other existing buildings and structures on the property. The single-family dwelling and

existing accessory buildings were previously reviewed for compliance with yard requirements in land use case #T3-2019-12052 and upon zoning review to authorize building permit conducted in 2020. During that time, the buildings met the requirements in (C) except for the well house structure to be removed. As for the proposed accessory building, the yard requirements and distance from lot lines are shown in the table below:

Table 1: Distance of the proposed Accessory Buildings from Property Lines

	Yard Requirement	Distance of building to Property Line
Front (adjacent to Reeder Road)	30'	~205' ±
Side (north property line)	10'	12'
Side (south property line)	10'	185' ±
Rear (west property line; adjacent to Columbia River)	30'	Greater than 450'
<small>Exhibit A.X - Site Plan A1000</small>		

Additionally, the applicant is not proposing any fences or retaining walls.

The proposed accessory building meets the minimum yard dimensions.

The applicant has also included building plans detailing the height of the proposed accessory building. The building plan for the accessory building shows the building will be 14.875 feet as measured from an elevation of the highest adjoining ground surface to the average height of the highest gable of a pitched (Exhibit A.9). Therefore, the height of the accessory building is less than the maximum height of 35 feet. *These criteria are met.*

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: The applicant is not proposing a structure such as a barn, silo, windmill, antennae, chimney, or similar structure; therefore, this criterion is not applicable. *This criterion is not applicable.*

(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

* * *

Staff: The applicant is not proposing an agricultural structure or equine facility; therefore, these criteria are not applicable. *These criteria are not applicable.*

(G) 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 applicant has previously provided a septic review certification, a storm water certificate, and a certification of water service as part of land use case #T3-2019-12052. As part of that application, the applicant had applied for an agricultural building that was subsequently denied by the Hearings Officer. The agricultural building was proposed to be located in the same area as the accessory building that is proposed as part of this application. As such, the septic review certification, storm water certificate, and certification of water service are being resubmitted as the agricultural building that was denied is being replaced by an accessory building.

The septic review certification was completed by the City of Portland Bureau of Development Services Onsite Sanitation (Exhibit B.8). A follow-up e-mail was also provided ensuring that the County Sanitarian approves the use of the previously reviewed septic review certification (Exhibit B.7). The storm water certificate was reviewed and signed by Mia C. Mahedy, Registered Professional Engineer on June 3, 2020 (Exhibit B.9). The certificate indicated that the construction of an on-site storm water drainage system would be required. The use of gutters, downspouts, and splash blocks would convey water to a level spreader for natural infiltration on the site. This system will 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. Lastly, the applicant supplied a Certification of Water Service. The applicant indicates that there is an existing well located on the lot. The well supplies water at a rate of 33 gallons per minute (Exhibit B.10). *These criteria are met.*

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

* * *

Staff: The applicant is not proposing a new, replacement, or expansion of existing dwelling; therefore, these criteria are not applicable. *These criteria are not applicable.*

(I) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.

Staff: As shown on the site plan, all required parking and yard areas are provided on the same Lot of Record as the development being served. As shown on the site plan and discussed previously under MCC 39.4325(C), the proposed accessory building meets the yard requirements, which are entirely contained on the Lot of Record.

As required by MCC 39.6590 the minimum off-street parking spaces required for a single-family dwelling is two spaces for each dwelling unit. There are no additional requirements for an accessory building. As was reviewed and approved in BP-2020-13590, two spaces are located within the garage of the single-family dwelling. Additionally, the accessory building contains three additional spaces that can be used for parking (Exhibit A.9). *This criterion is met.*

(J) All exterior lighting shall comply with MCC 39.6850.

Staff: As required above, compliance with MCC 39.6850 is required. MCC 39.6850 states:

§ 39.6850 DARK SKY LIGHTING STANDARDS.

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

The proposed accessory building will be 34 feet by 44 feet (1,496 square feet). The applicant has included a lighting plan and specification sheets (Exhibit A.8). The proposed exterior lighting meets the fully shielded standard. A condition of approval will be required that exterior lighting on the accessory building be directed downwards and contained within the boundaries of the Lot of Record on which it is located. *As conditioned, this criterion is met.*

7.0 Significant Environmental Concern (SEC) Criteria:

7.1 § 39.5510 USES; SEC PERMIT REQUIRED.

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Staff: The applicant is requesting a permit to authorize the construction of a new accessory building on the subject property. The proposed accessory building is an allowed use in the underlying zoning district, if they meet certain requirements of Multnomah County Code. The applicant is subject to the SEC permit requirements for the proposed accessory building. They have met the approval criteria as described in this decision. A few criteria will require additional action by the applicant using Conditions of Approval to demonstrate compliance with all of the applicable approval criteria.

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Staff: There have been no indications of known areas where materials of an archaeological nature, a historical nature, a prehistorical nature, or an anthropological nature on the subject property. However, because there is a possibility that historical, archaeological artifacts, and/or depositions could be found, a condition of approval will be recommended requiring the applicant and/or property owner to stop work if artifacts or deposits are found and contact the Oregon State Historic Preservation Office (SHPO). Further, the applicant and/or property

owner shall follow any subsequent requirements as directed by SHPO, which are authorized as part of the conditions of the SEC permit as the applicant has met the approval criteria as described in this decision. *As conditioned, this criterion is met.*

7.2 § 39.5540 CRITERIA FOR APPROVAL OF SEC PERMIT.

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

(A) 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: As required above, the maximum possible landscaped area, scenic and aesthetic enhancement, open space, or vegetation shall be provided between any use (e.g., the proposed accessory building) and the Columbia River. In determining the maximum possible area between a use and the Columbia River, a baseline must be established. The existing uses on the property include a single-family dwelling that is authorized to be replaced and two accessory buildings that were previously reviewed in 1997. The residential uses are located from NW Reeder Road to the middle of the subject property. The proposed accessory building is located within the area that has already been designated for residential uses.

As shown in Figure 1 below, there is approximately 2.00 acres of area between the single-family dwelling that is authorized to be replaced and two accessory buildings that constitute the residential use and the Columbia River. The proposed accessory building is located on the opposite side of the single-family dwelling and is located the furthest from the Columbia River.

Figure 1 – Area between the residential uses and Columbia River with proposed accessory building marked with an “X”



As the proposed accessory building is located further from the river than the existing accessory buildings and the replacement single-family dwelling, this will result in no additional impacts to the Columbia River. The site plan indicates that no additional development is proposed at this time than what was previously authorized in T3-2019-12052 and BP-2020-13590. Further, as supported by the applicant in the Narrative that was reviewed by Dr. Robert D. Mangold,

Environmental Consultant, “[they] intend to leave untouched the shrubbery growing in the sandy space between the river bank and grassy area...” (Exhibit A.11 and A.12). In leaving this area untouched, it will ensure that there will be open space and vegetation. Additionally as was required by T3-2019-12052 under Condition of Approval 7.c., the property owner is required to retain the existing tree cover screening the replacement single-family dwelling from the Columbia River and replace trees, if removed. As those conditions are still in effect, it will ensure that the proposed accessory building will have the maximum possible landscaped area, scenic and aesthetic enhancement, open space, and vegetation are provided between the accessory building and Columbia River. *This criterion is met.*

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

Staff: In T3-2019-12052, there was not sufficient evidence that current activities on the property rise to the level of “farm use” as defined in ORS 215.203. However, the subject property does currently contains agricultural land that is being preserved and maintained for potential farm uses. Although the accessory building will remove some agricultural land from potential farm use, the accessory building will support the potential farm uses that could exist on the property. The construction of the accessory building will allow for storage of small-scale farming equipment, farming vehicles, domestic animals, and supplies. In total 1.0 acre, which is 1/5 of the property will be preserved and maintained as agricultural land for potential future farm uses on the property that will be supported by the accessory structure (Exhibit A.11). *This criterion is met.*

(C) 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 applicant is proposing to locate the accessory building on the lot in a manner that will balance the functional considerations and costs with the need to preserve and protect areas of environmental significance. As discussed in the applicant’s Narrative that was reviewed by Dr. Robert D. Mangold, Environmental Consultant, the “proposed 34’ x 44’ Accessory Structure (simple pole-barn style) is thoughtfully placed over the general footprint of the existing dilapidated shed and longstanding lawn area...” (Exhibit A.11 and A.12). The proposed accessory building will be further from the river than the replacement single-family dwelling that was authorized in T3-2019-12052 and BP-2020-13590. As proposed, the location of the accessory building will ensure that areas of environmental significance (i.e., areas closest to the Columbia River) are preserved and protected. *This criterion is met.*

(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.

Staff: As discussed previously, there is approximately 2.00 acres of area between the existing uses on the property, which include a single-family dwelling that is authorized to be replaced and two accessory buildings that were previously reviewed in 1997, and the Columbia River. As was previously discussed the 2.00 acres will be left largely untouched (Exhibit A.11 and A.12). As the shoreline area will be preserved, the public and private recreational needs, which are largely passive, will be met in a manner consistent with the carrying capacity of the land.

The recreational needs of the residential use will also have minimal conflicts with areas of environmental significance as the shoreline and Columbia River is over 300 feet from the single-family dwelling authorized to be replaced. *This criterion is met.*

(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Staff: As required, the protection of the public safety in addition to the protection of public and private property shall be provided to the maximum extent practicable. As discussed in the applicant's Narrative that was reviewed by Dr. Robert D. Mangold, Environmental Consultant, the applicant is, "a family of healthcare providers and first responders, [who are] CPRPro certified..." (Exhibit A.11 and A.12). The applicant also states they "will maintain a current first aid kit with defibrillator, epinephrine, and other standard home lifesaving supplies." These skills and supplies will ensure that the public safety on this private property and adjacent public areas will be protected. *This criterion is met.*

(F) Significant fish and wildlife habitats shall be protected.

Staff: The applicant's Narrative describes how significant fish and wildlife habitats are protected. The Narrative was reviewed by Dr. Robert D. Mangold, Environmental Consultant and a supplemental letter was provided to support the application (Exhibit A.11 and A.12). The narrative discusses how there are, "ground and overhead sightings of wildlife such as deer, Canadian Geese and birds of prey." Dr. Mangold also discusses in the Letter that he, "find[s] no evidence that the Jarvis property is currently occupied by [significant threatened and endangered species]."

If there are significant fish and wildlife habitats, the proposed location of the accessory building will occur in an area that is already impacted. The accessory building will replace a dilapidated structure and will be clustered with the other residential uses and accessory buildings. The site plan indicates that the proposed accessory building is located more than 450 feet from the Columbia River's edge (Exhibit A.15). This distance will limit the impacts to the riparian areas near the Columbia River. These actions will ensure that significant fish and wildlife habitats that are located in and adjacent to the Columbia River are protected. *This criterion is met.*

(G) 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, and continuous riparian corridors.

Staff: In the applicant's Narrative, the applicant describes how natural vegetation along the river will be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion and continuous riparian corridors. The Narrative was reviewed by Dr. Robert D. Mangold, Environmental Consultant and a supplemental letter was provided to support the application (Exhibit A.11 and A.12). The narrative discusses how the location of the proposed accessory building will be setback from the river in an area that has already been disturbed. The site plan indicates that the proposed accessory building is located more than 450 feet from the Columbia River's edge (Exhibit A.15). The proposed accessory building will be further from the river than the replacement single-family dwelling that was authorized in T3-2019-12052 and BP-2020-13590.

Additionally, as was required by the Conditions of Approval from T3-2019-12052, the applicant is required to maintain the natural vegetation along the river to ensure that it will be protected and enhanced. The actions required by the applicant include the protection of the tree density along the Columbia River and replanting if trees are removed. The continuing obligation will ensure that the scenic quality will be protected from erosion and a continuous riparian corridors in maintained. *This criterion is met.*

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

Staff: There have been no indications of known areas of where materials of an archaeological nature can be found on the property. However, because there is a possibility that archaeological areas could be found, a condition of approval will be recommended requiring the applicant and/or property owner to stop work and protect those areas, if artifacts or deposits are found. The applicants, property owners or their agents will be required to contact the Oregon State Historic Preservation Office (SHPO) and follow any subsequent requirements as directed by SHPO. *As conditioned, this criterion is met.*

(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

Staff: As discussed previously, the applicant has included a Narrative that was reviewed by Dr. Robert D. Mangold, Environmental Consultant and a supplemental letter discussing areas of annual flooding, floodplains, water areas, and wetlands. The Statewide Wetland Inventory and the Local Wetland Inventory indicate that there are no mapped wetlands on the subject property. The site plan indicates that the proposed accessory building is located more than 450 feet from the Columbia River's edge (Exhibit A.15). The proposed accessory building will be further from the Columbia River, which is mapped as a regulatory floodway than the replacement single-family dwelling that was authorized in T3-2019-12052 and BP-2020-13590. Additionally, the applicant has submitted for a Floodplain Development permit under land use case #T1-2020-13705 which will be address potential issues relating to annual flooding and floodplains. A condition will be required that the applicant obtain the Flood Development permit to authorize construction of the proposed accessory building. *As conditioned, this criterion is met.*

(J) 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: The area of erosion or potential erosion for the proposed accessory building should be minimal. The applicant is proposing 2,597 square feet of ground disturbance is qualifies for a Minimal Impact Project permit which will be reviewed at the time of Land Use Planning zoning review sign-off authorizing building plan check. As shown on the site plan, the proposed location of the accessory building will occur in an area that is relatively flat and has already been impacted, as the proposed accessory building will replace a dilapidated structure. (Exhibit A.15). The applicant has indicated that Best Management Practices (BMPs) using sediment fencing will be utilized during construction of the proposed accessory building. No

cuts will be required nor will any fill be brought to the subject property. However, to ensure that this criterion is met, a condition will be required that BMPs be utilized and in place prior to any ground disturbance. *As conditioned, this criterion is met.*

(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Staff: The applicant is proposing an accessory building. The subject property currently has an existing single-family dwelling that will be replaced as was authorized in T3-2019-12052 and BP-2020-13590. As the subject property has an existing residential use, the quality of the air, water, and land resources in areas classified SEC have already been impacted, as there is an established residential use. The proposed location of the accessory building will occur in an area that is already impacted and will replace a dilapidated structure. The proposed accessory building will also be clustered with the other residential uses and other accessory buildings. The uses proposed for the building should not contribute to an increase in the ambient noise levels in the area, as they do not generally use heavily noisy equipment. The site plan indicates that the proposed accessory building is located more than 450 feet from the Columbia River's edge (Exhibit A.15). This distance will limit the impacts of the residential use and preserve areas nearest to the Columbia River. *This criterion is met.*

(L) 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 site plan indicates that the proposed accessory building will be located on the opposite side of the single-family dwelling on the NW Reeder Road side of the property (Exhibit A.15). As measured on the site plan, the building will be more than 450 feet from the Columbia River's edge. As proposed, the building will be one story in height, 1,496 square feet in size, and will be painted with a low reflective dark earth tone color (Exhibit A.10). The applicant states that the building will resemble a "farm" pole barn type structure (Exhibit A.11 and A.12). A visual survey of the area shows that an accessory building of this design, bulk, and color is very common in this area. In Figure 2, you can see that the adjacent properties all contain accessory buildings of varying sizes, shapes, and colors.

Figure 2 – 3D Image Capture from Google Maps



As designed and located, the bulk and color of the proposed accessory building will be more hidden from the Columbia River and stand out less than the similar buildings in the area. The design and color will ensure that the accessory building is compatible with the character and visual quality of the areas of significant environmental concern.

However, to ensure that the exterior colors of the accessory building is painted as described; a condition of approval will be required. The applicant will need to submit a paint chip or paint color sample to confirm it meets the dark earth tones found in reference *Columbia River Gorge Commission Scenic Resources Implementation Handbook*. Alternatively, if another color is chosen, the colors shall be earth tones found at the specific site or in the surrounding landscape. The color shall match rows A through E of the *Columbia River Gorge Commission Scenic Resources Implementation Handbook*. *As conditioned, this criterion is met.*

(M) 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 applicant has included a Narrative that was reviewed by Dr. Robert D. Mangold, Environmental Consultant and a supplemental letter discussing areas 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. As discussed previously, the location of the proposed accessory building is situated more than 450 feet from the Columbia River's edge and is located on the NW Reeder Road side of the subject property (Exhibit A.15). As discussed in T3-2019-12052, the 300 feet between the river and the single-family dwelling currently contains "little riparian vegetation...and efforts to restore vegetation in this area have proven impractical due to the inhospitable effects of high water wave action along the entire shoreline." As described and due to the limiting factors of high water wave action along the shoreline, this area is being retained in a natural state. *This criterion is met.*

(N) The applicable policies of the Comprehensive Plan shall be satisfied.

Staff: The applicable policies within the Comprehensive Plan are discussed in Section 8.0.

8.0 Comprehensive Plan Policies Criteria

8.1 CHAPTER 3 – FARM LAND

3.15 Protect farm land from adverse impacts of residential and other non-farm uses.

Strategy 3.15-1: Ensure that new, replacement, or expanding uses on MUA zoned lands minimize impacts to farm land and forest land by requiring recordation of a covenant that recognizes the rights of adjacent farm managers and foresters to farm and practice forestry on their land.

Staff: The applicant is proposing an accessory building that will expand the residential use on the property. As a Condition of Approval under land use case T3-2019-12052, the property owner was required to record the covenant described above. The covenant was recorded under Document #2020-59843 on May 21, 2020. *This Comprehensive Plan Policy is met.*

8.2 CHAPTER 5 – NATURAL RESOURCES

5.14 Stormwater drainage for new development and redevelopment shall prioritize water quality and natural stream hydrology in order to manage stormwater runoff in accordance with the following:

- 1. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, or lakes, or alter the drainage on adjoining lands, or cause damage to adjacent property or wildlife habitat.**
- 2. Stormwater infiltration and discharge standards shall be designed to protect watershed health by requiring onsite detention and/or infiltration in order to mimic pre-development hydraulic conditions so that post-development runoff rates and volumes do not exceed pre-development conditions.**
- 3. Apply Low Impact Development Approaches (LIDA) in order to conserve existing resources, minimize disturbance, minimize soil compaction, minimize imperviousness, and direct runoff from impervious areas onto pervious areas.**
- 4. Protect and maintain natural stream hydrology (or flow), with an emphasis on reducing hydromodification impacts such as stream incision and widening.**
- 5. Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.**
- 6. Develop and adopt standards for managing stormwater in landslide hazard areas in accordance with best management practices.**

Staff: The applicant has provided a storm water certificate discussing the storm water drainage for the new development and redevelopment of the subject property. The storm water certificate was signed by Mia C. Mahedy, Registered Professional Engineer on June 3, 2020. The certificate indicated that the construction of an on-site storm water drainage system would be required. The use of gutters, downspouts, and splash blocks would convey water to a level spreader in the direction of NW Reeder Road for natural infiltration on the site (Exhibit B.9). This system is designed to protect watershed health by requiring onsite detention through natural filtration into the ground in order to mimic pre-development hydraulic conditions. By utilizing natural filtration on the site, the post-development runoff rates and volumes will not exceed pre-development conditions. *This Comprehensive Plan Policy is met.*

5.43 Require outdoor lighting to be low intensity and designed in a manner that minimizes the amount of light pollution.

Strategy 5.43-1: Adopt a “dark sky” ordinance and work with the City of Portland, Port of Portland, and other adjacent jurisdictions and agencies towards reducing light pollution from sources outside the County’s jurisdictional boundary.

Staff: As proposed by the applicant the accessory building will have outdoor lighting to support the use. As part of the application materials, there is a lighting plan and specification sheets (Exhibit A.8). The proposed exterior lighting meets the fully shielded standard as previously discussed in Section 6.2. As it meets the Dark Sky Lighting Standards, the outdoor lighting is low intensity and designed to minimize the amount of light pollution. However, to ensure that this criterion is met, a condition will be recommended that exterior lighting be directed downwards and contained within the boundaries of the Lot of Record on which it is located. *As conditioned, this Comprehensive Plan Policy is met.*

8.3 CHAPTER 6 – HISTORIC AND CULTURAL RESOURCES:

6.4 Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.

Staff: There have been no indications of known areas where materials of an archaeological nature, a historical nature, a prehistorical nature, or an anthropological nature on the subject property. However, because there is a possibility that historical, archaeological artifacts, and/or depositions could be found, a condition of approval will be required that the applicant(s), property owner(s), or their agent(s) report the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes and follow all required procedure outlined by SHPO or Native American tribes. *As conditioned, this Comprehensive Plan Policy is met.*

8.4 CHAPTER 11 – PUBLIC FACILITIES:

11.12 A water supply system for new development shall be by either of the following methods:

- 1. Connection to a public water system having adequate capacity to serve the development and all other system customers**
- 2. A private water system that produces safe drinking water with sufficient volume and pressure to meet applicable Building Code and Fire Protection Code**

Staff: A Certification of Water Service was originally submitted by the applicant as part of the land use case #T3-2019-12052. The Certification of Water Service indicated that an existing well located on the lot and supplies water at a rate of 33 gallons per minute (Exhibit B.6). At 33 gallons per minute, the private water system will produce safe drinking water with sufficient volume and pressure. *This Comprehensive Plan Policy is met.*

11.13 Wastewater disposal for new development shall be by any of the following methods:

- 1. Connection to a public sewer system having adequate capacity to serve the development and all other system customers**
- 2. A private system that meets Oregon Department of Environmental Quality regulations.**

Staff: The applicant's wastewater disposal was reviewed by City of Portland Bureau of Development Services Onsite Sanitation. The Septic Review Certification #19-160401-SE indicated that the site is approved for a "new Ag building" (Exhibit B.9). A follow-up e-mail to that Certification was provided ensuring that the County Sanitarian approves of the use of the previously reviewed septic review certification for the "new Ag building" to be replaced in size and location by the proposed accessory building (Exhibit B.8). As proposed, the accessory building meets Oregon Department of Environmental Quality (DEQ) regulations, as the City of Portland Bureau of Development Services Onsite Sanitation is an agent of DEQ. *This Comprehensive Plan Policy is met.*

11.17 As appropriate, include school districts, police and fire protection, and emergency response service providers in the land use process by requiring review of land use applications from these agencies regarding the agency’s ability to provide the acceptable level of service with respect to the land use proposal.

Strategy 11.17-1: Encourage school districts to review land use proposals for, among other factors as determined by the school district, impacts to enrollment and the district’s ability to meet community educational needs within existing or planned district facilities and impacts to traffic circulation and pedestrian safety.

Strategy 11.17-2: Encourage police, fire protection, and emergency response service providers to review land use proposals for, among other factors as determined by the agency, sufficiency of site access and vehicular circulation and, for fire protection purposes, the availability of adequate water supply, pressure, and flow, whether provided on-site or delivered from off-site.

Staff: As required above, school districts, police, fire protection, and emergency response service providers are encouraged to review the land use proposal, as appropriate to the proposed land use. As the applicant is proposing an accessory building as part of this application and has had previous reviews conducted as part of land use case# T3-2019-12052, the accessory structure will only need to be reviewed for compliance with the Oregon Fire Code. As provided by the applicant, they have included a Fire Service Agency Review form. The Fire Service Agency Review was completed by Norvin Collins, Fire Chief (Exhibit A.7). The form indicates that, “the proposed development is in compliance with the standards of the Oregon Fire Code Standards by [Sauvie Island Fire District - Rural Fire Protection District #30J].” As such, there is an acceptable level of fire service with respect to this land use proposal. *This Comprehensive Plan Policy is met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern permit to establish an accessory building in the Multiple Use Agriculture – 20 (MUA-20) zone. This approval is subject to the conditions of approval established in this report.

10.0 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. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2020-13706 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	09/03/2020
A.2	1	Table of Contents	09/03/2020

A.3	1	Property Description	09/03/2020
A.4	1	Reconveyance of Trust Deed recorded as Instrument #2009-156685 on November 12, 2009	09/03/2020
A.5	17	Access Permit	09/03/2020
A.6	1	Site Plan (reduced to 11" x 17")	09/03/2020
A.7	7	Fire Service Agency Review	09/03/2020
A.8	4	Exterior Lighting Plan and Specifications	09/03/2020
A.9*	11	<ul style="list-style-type: none"> Building and Structural Plans - *Plan View - *Elevation Views - Section A - Section Details - Framing Details - Slider Door Framing Details - Overhead Door Framing Details - MD & Window Framing Details - Standard Details - Construction Notes - Post Frame Building Structural Calculations 	09/03/2020
A.10	1	Engineer Letter concerning Flood Vents from Nicholas Jasper, Registered Professional Engineer	09/03/2020
A.11	26	Narrative	09/03/2020
A.12	1	Letter from Robert Mangold, Environmental Consultant	09/03/2020
A.13	5	Erosion and Sediment Control Narrative	09/03/2020
A.14	15	Flood Development Narrative	09/03/2020
A.15*	1	Site Plan (34" x 22")	09/03/2020
'B'	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 3N1W26A -00500 (Alt Acct #R695200050)	09/03/2020
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map with 3N1W26A -00500 (Alt Acct #R695200050) highlighted	09/03/2020
B.3	1	Reeder Estates Subdivision Plat (reduced from 24" x 18" to 17" x 11")	09/03/2020
B.4	1	Statutory Warranty Deed recorded in Book 2487, Page 1074 on December 16, 1991	09/03/2020
B.5	1	Aerial Photo – 2018 Summer	09/03/2020

B.5	1	Wildlife Habitat Map adopted as part of Ordinance 640 on Tuesday, February 20, 1990	09/03/2020
B.6	1	Certification of Water Service	09/03/2020
B.7	4	Covenant to Prohibit Residential Use of Accessory Structure	09/03/2020
'C'	#	Administration & Procedures	Date
C.1	2	Complete letter (day 1) and e-mail	09/24/2020
C.2	9	Opportunity to Comment and mailing list	11/30/2020
C.3	11	"Short" Administrative Decision and mailing list	01/28/2020
C.4	35	Administrative Decision and mailing list	01/28/2020

1/8" = 1'-0"

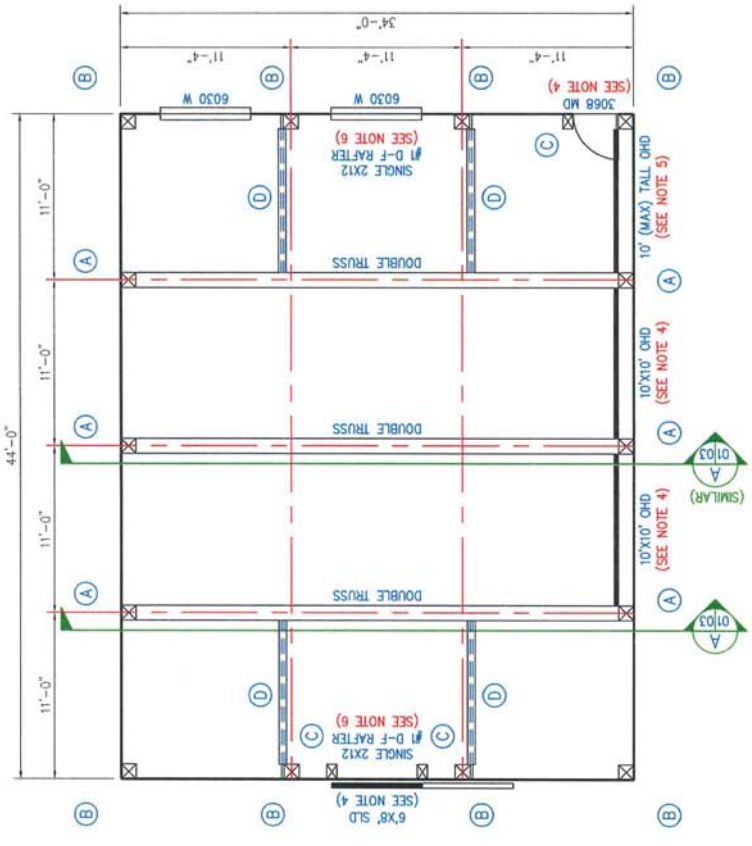
PLAN VIEW

ALLIANCE aeOregon.com
ENGINEERING
 Specialists in Post Frame Engineering

CLIENT: HOWARD & AMY JARVIS
 26722 NW REEDER RD
 PORTLAND, OR 97219

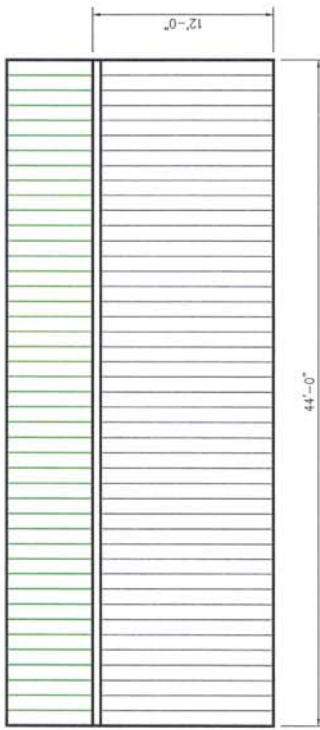
OWNER / BUILDING LOCATION: HOWARD & AMY JARVIS
 26722 NW REEDER RD
 PORTLAND, OR 97219

DATE: 09 JUL 20
 DRAWN BY: JP
 DWG NO: PF B-01 of 10
 JOB NO: 1701720
 REV: 7

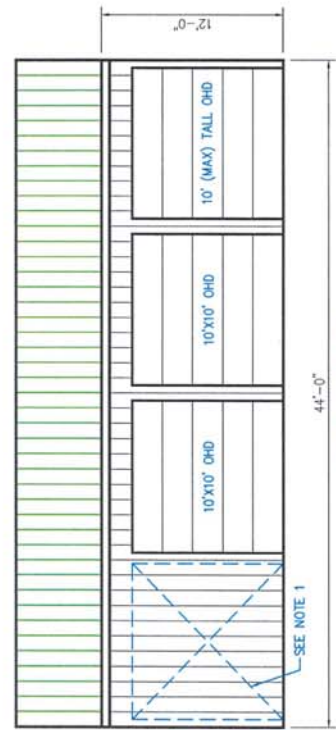


POST / BRACING NOTES	
ITEM	DESCRIPTION
(A)	6x6 P.T. #2 H-F POST USE 3'-6" (MIN) EMBEDMENT DEPTH, 24" # FOOTING AND CONCRETE BACKFILL
(B)	6x6 P.T. #2 H-F POST USE 3'-6" (MIN) EMBEDMENT DEPTH, 18" # FOOTING AND CONCRETE BACKFILL
(C)	4x6 P.T. #2 H-F DOOR POST USE 2'-6" EMBEDMENT DEPTH & 18" CONCRETE BACKFILL. (NO CONCRETE FOOTING REQ'D). (NOTE ORIENTATION)
(D)	LATERAL BRACE SEE DETAIL 2 ON FRAMING DETAILS DRAWING

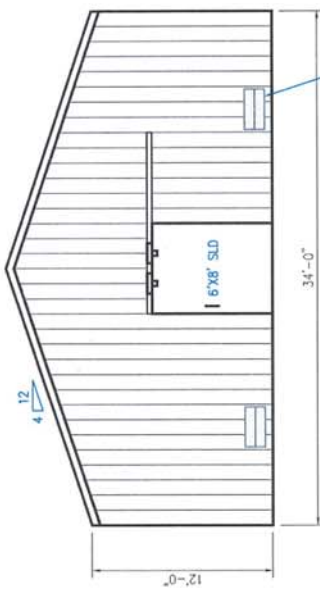
- GENERAL NOTES**
1. ALL POSTS EMBEDDED IN GROUND SHALL BE PRESSURE TREATED FOR BURIAL.
 2. PERSONNEL DOOR(S) AND WINDOW(S) SHOWN MAY BE LOCATED BY THE BUILDER IN THE WALL(S) SHOWN UNLESS SPECIFICALLY LOCATED ON THIS DRAWING.
 3. DOOR POSTS MAY BE OMITTED IF DOOR IS FRAMED DIRECTLY AGAINST A STRUCTURAL POST.
 4. CONTRACTOR TO VERIFY DOOR DIMENSIONS AND CLEARANCES PRIOR TO BUILDING CONSTRUCTION AND DOOR INSTALLATION. OVERHEAD/SLIDER DOOR SIZE MAY BE REDUCED AS REQ'D TO ENSURE CORRECT OPERATION OF THE DOOR.
 5. CONTRACTOR TO VERIFY DOOR DIMENSIONS AND CLEARANCES PRIOR TO BUILDING CONSTRUCTION AND DOOR INSTALLATION. OVERHEAD DOOR SIZE SHALL BE (MAX) HEIGHT SHOWN BY (MAX) WIDTH REQUIRED BY THE CONTRACTOR. DO NOT NOTCH POST FOR INSTALLATION OF THE OVERHEAD DOOR TRACK. OVERHEAD DOOR SIZE MAY BE REDUCED AS REQUIRED TO ENSURE CORRECT OPERATION OF THE DOOR. THE RAFTERS NOTED SHALL NOT BE SPLICED ON THE GABLE END POSTS LOCATED CLOSEST TO THE BUILDING RIDGE.
 - 6.



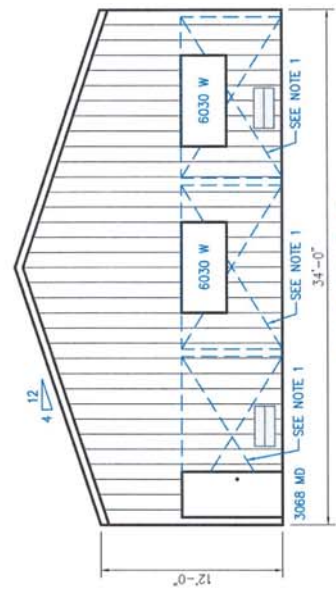
REAR EAVE VIEW



FRONT EAVE VIEW



LEFT GABLE VIEW



RIGHT GABLE VIEW

GENERAL NOTES

1. ON THE AREAS SHOWN, INSTALL 7/16" OSB OR 1/2" CDX PLYWOOD SHEATHING TIGHT BETWEEN POSTS. NAIL WOOD SHEATHING WITH 6D NAILS AT 14" O.C. EDGES, 12" O.C. FIELD. PROVIDE 2X BLOORING AT ALL PANEL EDGES. ALL WOOD SHEATHING LOCATED BETWEEN GRADE AND 24" ABOVE BASE FLOOD ELEVATION MUST BE PRESSURE TREATED. THE INSTALLED WITHIN 2X BLOORING. CONTRACTOR TO PROVIDE 1 SQUARE-FOOT OF FLOOD VENTING FOR EVERY 1 SQUARE-FOOT OF ENCLOSED BUILDING AREA. LOCATE VENTING IN (2) OPPOSITE WALLS W/ 50% OF VENTING AREA IN EACH WALL. LOCATE THE BOTTOM OF THE VENT OPENINGS NO HIGHER THAN 12" ABOVE GRADE. VENTS MAY BE EQUIPPED WITH SCREENS, LOUVERS OR OTHER COVERINGS OR DEVICES PROVIDED THEY PERMIT AUTOMATIC ENTRY AND EXIT OF FLOOD WATERS. CONTRACTOR TO INSTALL PRESSURE TREATED WALL GRITS AND DOOR FRAMING UP TO THE FLOOD LEVEL HEIGHT.
2. CONTRACTOR TO PROVIDE 1 SQUARE-FOOT OF FLOOD VENTING FOR EVERY 1 SQUARE-FOOT OF ENCLOSED BUILDING AREA. LOCATE VENTING IN (2) OPPOSITE WALLS W/ 50% OF VENTING AREA IN EACH WALL. LOCATE THE BOTTOM OF THE VENT OPENINGS NO HIGHER THAN 12" ABOVE GRADE. VENTS MAY BE EQUIPPED WITH SCREENS, LOUVERS OR OTHER COVERINGS OR DEVICES PROVIDED THEY PERMIT AUTOMATIC ENTRY AND EXIT OF FLOOD WATERS. CONTRACTOR TO INSTALL PRESSURE TREATED WALL GRITS AND DOOR FRAMING UP TO THE FLOOD LEVEL HEIGHT.

1/8" = 1'-0"

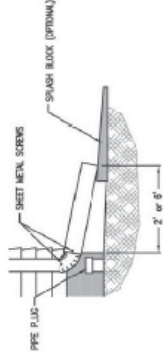
ELEVATION VIEWS

ALLIANCE ENGINEERING
 Specialists in Post Frame Engineering
 aeOregon.com

OWNER / BUILDING LOCATION	HOWARD & AMY JARVIS 26722 NW REEDER RD PORTLAND, OR 97219
CLIENT	HOWARD & AMY JARVIS 26722 NW REEDER RD PORTLAND, OR 97219
DATE: 09 JUL 20	DWS NO: PFB-02 of 10
JOB NO: 1701720	REV: 0

EXISTING INFRASTRUCTURE TO BE REMOVED

ROOF AREA: 246 SF (DAPARATED SHED BENEATH FOOTPRINT OF NEW BUILD)



SPLASH BLOCK DETAIL (NTS)

PROPOSED IMPROVEMENTS

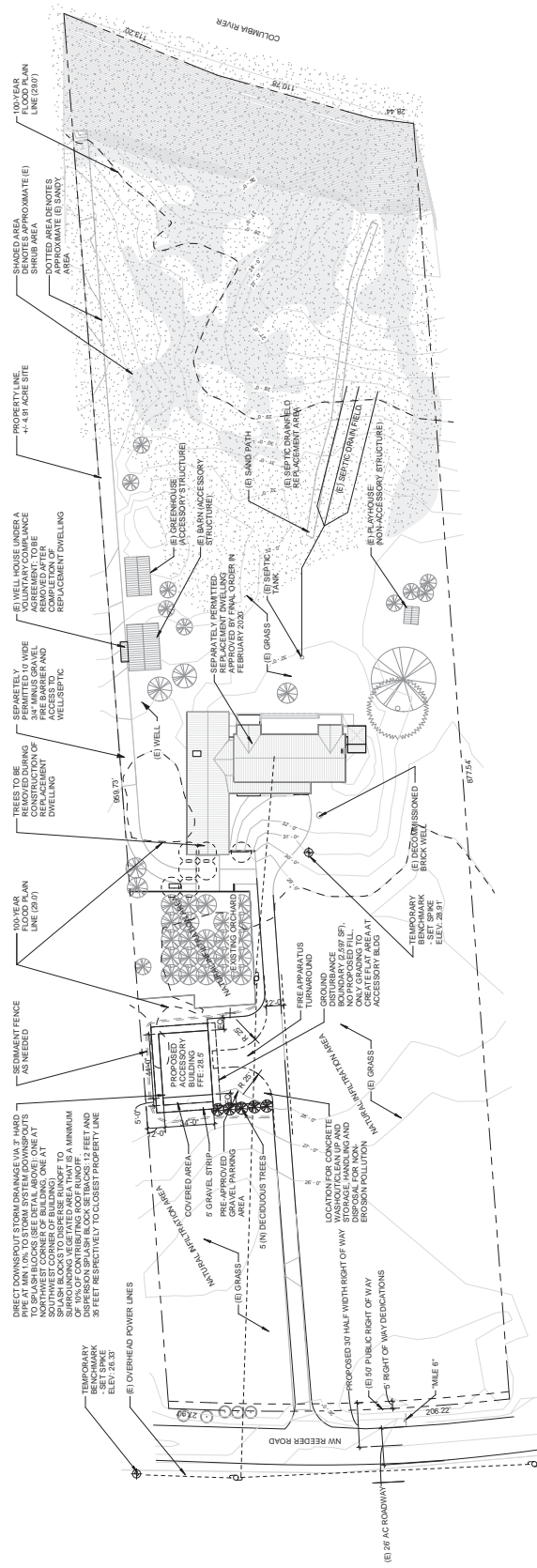
ROOF AREA: 148 SF
 DISTURBED AREA: 287 SF
 - MAXIMUM SLOPE WITHIN DISTURBED AREA 3%
 - REMAINING BARE DISTURBED AREA TO BE REPLANTED OVER ANY GRADING. ONLY VERY MINIMAL GROUND LEVELING ASSOCIATED WITH THE PROJECT. NO CUT NOR FILL NECESSARY.

PROJECT DESCRIPTION

REMOVAL OF EXISTING DAPARATED SHED AND CONSTRUCT A NEW ACCESSORY STRUCTURE ON A 21,379 SF PARCEL. NO GRADING NOR CLEARING ACTIVITIES NECESSARY.

SITE PLAN NOTES

1. FRAME/PLAN INFORMATION:
 MAP PANEL NUMBER: R20305
 MAP SHEET NUMBER: 0000
 MAP SHEET NUMBER: 0000
 AREAS BELOW 29' 7" ARE FRM ZONE CODE FLOODPLAIN AE.
2. PROPERTY ID NUMBER: R20305
 A.L.T. ACCT: R6020060
3. TAX ROLL: REDEVELOPMENT, BLOCK 1, LOT 1
4. SLOPE AWAY FROM STRUCTURE AT A MIN. 2% SLOPE FOR A MIN. 5' (TYP).
5. PRESERVE & UTILIZE EX. VEGETATION FOR EROSION CONTROL. POLLUTION TREATMENT WHERE PRACTICAL.



① SITE PLAN - ACCESSORY STRUCTURE
 1" = 40'-0"



NO.	REVISION	DATE

Project Number
 18016
 DATE EXPIRES: 07/2027 15:59 AM
 8/7/20

A1000
 ACCESSORY STRUCTURE SITE PLAN
 CONSTRUCTION DOCUMENTS

