



## MULTNOMAH COUNTY OREGON

### LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

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

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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# NOTICE OF DECISION

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

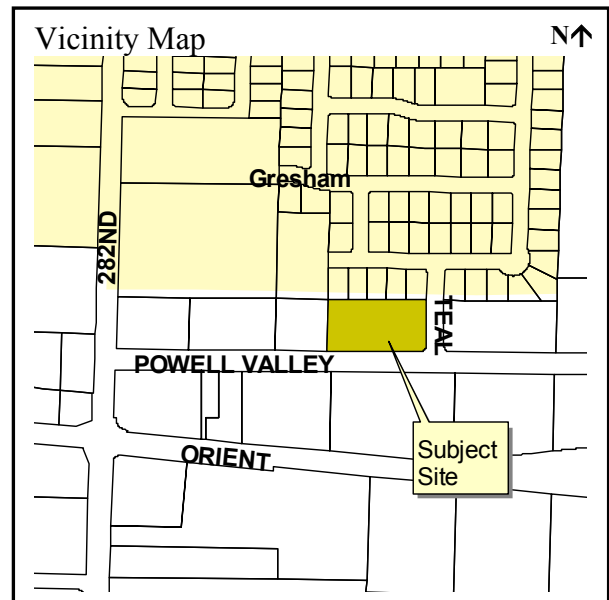
**Case File:** T2-04-033

**Permit:** Temporary Permit

**Location:** 6615 SE Powell Valley Rd  
TL 6200, Sec 19BB, T 1S, R 4E, W.M.  
Tax Account #R64978-1050

**Applicant:** James Card

**Owner:** James & Kate Card  
P.O. Box 673  
Boring, OR 97009



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**Summary:** Temporary Permit to place a modular office building during the 3 - 5 month remodel of the existing building.

**Decision:** Approved with conditions.

Unless appealed, this decision is effective Thursday, June 10, 2004, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Thursday, May 27, 2004

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, June 10, 2004 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): *Temporary Permits*: MCC 36.0510. *Orient Commercial-Industrial zone*: MCC 36.3525(G) Review Uses – Temporary Uses, MCC 36.3550 Dimensional Standards and Development Requirements, MCC 36.3580 Off-Street Parking and Loading. *Administration and Procedures*: Chapter 37.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at [http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use).

### **Scope of Approval**

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

### **Conditions of Approval**

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

1. The temporary structure for office use shall be removed from the property within 30 days of occupancy of the office area within the remodeled building or by September 20, 2004 whichever comes first. [MCC 36.0510(A)(6)]

2. All exterior lighting fixtures on the temporary structure shall be off the "cut off" or fully shielded type so that no light is emitted above the horizontal. [MCC 36.3550(G)].
3. All necessary building, electrical and mechanical permits shall be obtained for the placement of this temporary use at this location.

**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 criteria and Comprehensive Plan Policies are in **bold** font. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### **Applicant's Narrative**

Enclosed please find my "General Application Form" with the "Fees Sheet" noting "Temporary Permit". During our most recent visit with Derek Tokos, we noted that we are in the process of building the office structure inside the building that had been proposed during our original planning period. We are in the final stages of the planning process with the City of Gresham and are at the point of permit processing.

Now that we are very close to beginning the construction process we realized that we are in need of a temporary work area for those employees that normally would utilize that work area in the building.

In order to address safety issues and disruption of usual activities that would effect employees, we have made arrangements to provide a portable building on a temporary basis that would eliminate the before mentioned issues. We would only need the unit for 3 to 5 months and it would be removed once the construction of the office structure was completed.

As a part of the permitting process with the City we have provided all of the enclosed backup information about the engineering aspects and detail with the City permit application which includes electrical.

I have included a plot of the property showing the desired position of the unit. As noted before I have also provided specific information about the support system, access and utilities for the unit.

### **Background**

An office structure is being built inside the existing building, design review is completed and permits are following. The construction is due to start in the month of April 2004.

### **Purpose**

The area were the construction is taking place is normally utilized by employees. During the construction of the office they will not be able to have access to the area because of the construction, safety issues and disruption of normal activities.

### **Timeline**

This unit is only needed for a period of time of between 3 and 5 months. We feel that the new office construction can be completed in the 3-month time line however we are adding the additional 60 days to allow for the unforeseeable.

### **Size**

Placement of the building is noted on the drawing that is provided. The unit is 44 feet long and is 10 feet wide.

### **Access**

Access to the unit is available through doors that are located at the north and south ends of the side. These doors would also face west as noted on the drawing. Access from the ground level is via metal stairs with a platform at the door level and with and rails.

We assume that a wheel chair ramp is necessary since there is available access in the main building and meeting space is available if necessary. This building is not intended for visitor access. The area shown on the drawing provided would show the meeting space available in the main building which is also adjacent to the handicap parking and handicap accessible restrooms.

### **Utilities**

Water availability is not necessary for the unit since water and restroom facilities are available in the main building. These facilities are out of the construction that would exist in the building.

Electricity is available since we have access to a metered panel located on the property just a few feet from the position of the unit. An underground conduit that meets necessary specifications provides access from the metered panel to the control panel of the unit. An electrical permit has been requested and the cable is cased inside a 1 1/2-inch conduit and it is buried 18-inches except at the drive lane which it is 24-inches.

The unit also provides for proper ventilation, cooling and heating. This unit also meets the State of Oregon requirements for use.

### **Stabilization**

Prior to occupation the unit would be fitted with tie downs per the drawing provided at 6 locations, two on each end and two in the middle, which would be on both sides. Stabilization jacks would also be placed at eight positions under the unit that would secure the unit and prevent movement and settling.

### **Fire safety**

As previously noted the unit that we have selected meets all State of Oregon requirements. Prior to occupation the unit would be fitted with fire extinguishers for safety.

#### **1.00     General Provisions**

#### **1.01     Type II Case Procedures**

**MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...**

**Staff:** The application was submitted April 19, 2004 and was deemed complete as of May 7, 2004. An “Opportunity to Comment” notice was mailed on May 10, 2004 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. Two letters were received. The first letter was in support of the temporary permit. The other letter was concerned about the length of stay of the modular building and that it be removed on time. In addition, they were concerned about a large garbage dumpster that is causing smells and a compost pile. Staff will contact the applicant regarding the dumpster and compost pile smelling and ask that he remedy the situation as the temporary permit does not have criteria to address these concerns. One phone call was received regarding the temporary use already existing at the site. This permit will correct this situation.

## **1.02 Proof of Ownership**

### **MCC 37.0550 Initiation of Action**

**Except as provided in MCC 37.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.**

**Staff:** The proposed project is located on Tax Lot 6200, Section 19BB, Township: 1 South, Range: 4 East. Assessment & Taxation records show that the land is owned by James & Kate Card. James Card has been designated the applicant in this case and has signed the General Application Form (Exhibit A.1). *This criterion has been met.*

## **1.03 MCC 37.0560 Code Compliance And Applications.**

**The County shall not approve any application for a permit or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.**

**Staff:** A complaint was received during the Opportunity to Comment period regarding the proposed temporary building already existing on the site. While the placement of the structure before the issuance of the temporary permit is a violation of County Codes, this land use decision will remedy the violation. No other known violations exist on the site as of the date of this decision. *Through the issuance of this decision, the land use violation will be corrected.*

## **2.00 Temporary Permit**

### **2.01 MCC 36.0510 Temporary Permits**

**(A) Notwithstanding the limitations of use as established by this Chapter in each of the several districts, the Planning Director may issue temporary permits, valid for a period of not more than one year after issuance, for structures, or uses which are of a temporary nature, such as:**

**(1) Storage of equipment during the building of roads or developments;**

- (2) Real estate office used for the sale of lots or housing in subdivisions;**
- (3) Temporary storage of structures or equipment;**
- (4) Sheds used in conjunction with the building of a structure;**
- (5) Temporary housing; or**
- (6) Other uses of a temporary nature when approved by the Planning Director.**

**Staff:** In July 2000, a conditional use permit was granted for the operation of a landscape business at this location. The Design Review application (T2-01-004) allowed for various improvements to be added to the site including remodeling an existing agricultural building, and constructing a 1,344 sq. ft. greenhouse and paved parking area for a landscaping business. As part of the remodel project for the existing agricultural building, the business will be remodeling a portion of the structure to office space. The applicant has indicated a need to have a temporary office building on site during the construction process due to the remodeling of an existing employee work area. The proposed use of the modular building is for 3 to 5 months. As specified above, uses of a temporary nature may be approved by the planning director for no more than 1 year. Since the office use as a component of the landscape business has been previously approved for the site, the approval of the temporary building will allow for its continuance during the construction period. A condition of approval has been included with this decision requiring that the temporary building be removed within 30 days of occupancy of the office area within the remodeled building or by September 20, 2004 whichever comes first. *As conditioned, this criterion has been met.*

### **3.00 Orient Commercial – Industrial District**

#### **3.01 MCC 36.3525 Review Uses.**

**The commercial and industrial uses listed in this section may be permitted when found to meet the approval criteria in 36.3527 unless other approval criteria are listed for the use, and are subject to Design Review approval. Uses in this section shall be processed as Type II decisions pursuant to MCC 37.0510 through 37.0800.**

#### **(G) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.**

**Staff:** The applicant has applied for a temporary use of a modular office building during the remodel of an existing agricultural building as allowed by MCC 36.0510(A)(6). *This criterion has been met.*

#### **3.02 MCC 36.3550 Dimensional Standards and Development Requirements.**

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

**(A) Except as provided in MCC 36.3560, 36.3570, and 36.3575, the minimum lot size shall be one acre.**

**Staff:** The subject site is 0.99 acres in size and was found a lot of record pursuant to MCC 36.3570 as part of CU 0-4. *This criterion has been met.*

**3.03 (B) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height - 35 feet**

**Minimum Front Lot Line Length - 50 feet.**

**Staff:** As shown on the site plan, the building will be approximately 40 feet from the SE Powell Valley Road, approximately 110 feet from SE Teal Drive, approximately 170 feet from the rear property line and approximately 60 feet from the interior side property line to the north. The building is only 1 story in height and will meet the maximum structure height of 35 feet. The front lot line length along Teal Drive is 128.97 feet. *These criteria have been met.*

**3.04 (C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

**Staff:** Powell Valley Road is designated a local road pursuant to Multnomah County Functional Classification of Trafficways. The current right of way width of Powell Valley Road is 60 feet which exceeds the minimum width required for a 50 foot local road. Teal Drive is a local road and has a current width of 50 feet. No additional right of way is needed for the adjacent streets at this time. *This criterion is not applicable at this time.*

**3.05 (D) 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 proposed modular building does not qualify as a barn, silo, windmill, antennae, chimney or similar structure and will meet the maximum height requirement of (B) above. *This criterion is not applicable at this time.*

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

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

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

**Staff:** The applicant has indicated that restroom facilities will be provided inside of the



existing building outside of the construction area. No restroom facilities or water will be provided within the temporary modular office. The location of the proposed temporary structure is within a gravel area which can handle the water created by this temporary structure especially since the building will be during the dry season. *These criteria have been met.*

- 3.07 (F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.**

**Staff:** No grading has been proposed as part of the installation of the structure. A GEC permit (T1-01-032) has been approved for the construction of the previously approved work. The site will be graded for improvements under that permit. *This criterion has been met.*

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

**Staff:** A condition of approval has been included requiring that the lighting on the temporary structure meet the above criterion. *As conditioned, this criterion will be met.*

- 3.09 (H) New, replacement, or expansion of existing uses shall minimize impacts to existing farm uses on adjacent land by:**

**(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or**

**(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the area.**

**Staff:** The existing land uses to the north are single family dwelling within the City of Gresham's boundary. To the south, the existing land uses are commercial and industrial in nature. Immediately adjacent to the east is an agricultural building which is no longer being used for an agricultural use. To the west is a single family dwelling and commercial activities. Based on the surrounding land uses, it does not appear that a covenant is required at this time. *This criterion is not applicable at this time.*

- 3.10 36.3580 Off-Street Parking and Loading.**

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

**Staff:** Pursuant to CU 0-4 and T2-01-004, approximately 704 feet of office space has been approved for this site. The proposed modular office is 40 feet long by 10 feet wide for 400 square feet of area. The approved parking area can accommodate the needed parking for the temporary use until such time as the permanent office spaces become occupied. At that time, the modular office is to be removed from the site. No additional parking is needed for the proposed temporary use. *This criterion has been met.*

#### **4.00      Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for issuance of a temporary permit for a 40 ft by 10 ft modular office structure to be used until such time as the permanent office space is finished and/or occupied or by September 20, 2004 whichever comes first. This approval is subject to the conditions of approval established in this report.

#### **5.00      Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	4/19/04
A.2	1	Site Plan	4/19/04
A.3	2	Project Description Letter	4/19/04
A.4	2	Narrative Statements	4/19/04
A.5	1	Wind Load Calculations	4/19/04
A.6	1	Lateral Load Tie Down Calculations	4/19/04
A.7	5	Installation Instructions for Modular Building	4/19/04
‘B’		Staff Exhibits	Date of Document
B.1	1	Assessment & Taxation Property Records	4/19/04
B.2	1	Letter of Support	5/16/04
B.3	1	Letter of Concern	5/17/04
‘C’		Administration & Procedures	Date
C.1	1	Complete Letter – Day 1	5/7/04
C.2	2	Opportunity to Comment	5/10/04
C.3	10	Administrative Decision	6/10/04