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## NOTICE OF DECISION

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**Case File:** T2-2020-13281  
**Permit:** Type B Home Occupation Renewal  
**Applicant:** C. Vail Fletcher **Owners:** C. Vail Fletcher & Gregory Stamp  
**Location:** 14765 NW Gillihan Rd., Portland  
Tax Lot 300, Section 28, Township 2 North, Range 1 West, W.M.  
Tax Account #R971280680 Property ID #R491180  
**Base Zone:** Multiple Use Agriculture – 20 (MUA-20)  
**Overlays:** None  
**Proposal Summary:** The applicant requests a Type B Home Occupation Renewal for an existing short-term rental of a bedroom within the single-family residence and home office permitted via land use case #T2-2016-6559.

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, June 26, 2020 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at [chris.liu@multco.us](mailto:chris.liu@multco.us)

**Opportunity to Appeal:** 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

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**Issued by:** Chris Liu Digitally signed by Chris Liu  
Date: 2020.06.11 09:28:02  
-07'00'

**By:** Chris Liu, Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Friday, June 12, 2020

Instrument Number for Recording  
Purposes: #2014-013229



### Applicable Approval Criteria:

**Multnomah County Code (MCC):** MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – (MUA-20), MCC 39.8850(D) Type B Home Occupation Renewal.

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**

### 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. The Type B home occupation **may continue for a period of three years from July 11, 2020**, provided it is in compliance with this permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed pursuant to MCC 39.8850(D).

**Note:** The application for a permit extension must be submitted prior to the expiration of the approval period noted in this land use decision. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

As part of the renewal process, the County must determine that the Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

2. The business operator must operate the Type B home occupation (business) in full compliance with this permit. If the business operation changes, the business operator must contact Land Use Planning to revise the home occupation permit. Failure to operate the business in compliance with this approval may affect the outcome of the renewal process. [MCC 39.8850(D)(1)]
3. Notwithstanding the transfer of approval rights in MCC 39.8850(C), approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises. [MCC 39.8850(C)]
4. Within 30 days of the date this decision is final, the property owners or their representative shall:
  - a. Record pages 1 through 3 and Exhibit A.4 of this Notice of Decision with the County Recorder. 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]
5. As an on-going condition as required by the conditions of approval for land use case no. T2-2016-6559, the short-term rental home occupation shall:
  - a) Occur only within the room designated in Exhibit A.2 and A.8 of land use case no. T2-2016-6559. At no time shall the entire single-family dwelling be utilized as a short-term rental and at no time shall any portion of any accessory buildings on the property be utilized as a short-term rental.
  - b) At no time, have more than two short-term renters on the premises at any one time, which includes guests and visitors of the renter(s).
  - c) Not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line.

**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 PROPOSAL:**

**Staff:** The Applicant requests a Type B Home Occupation Renewal for an existing short-term rental of a bedroom within the single-family residence and home office permitted via land use case #T2-2016-6559.

### **2.0 GENERAL PROVISIONS:**

- 2.1 MCC 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.

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**Staff:** There are no active compliance and/or zoning violation cases for the subject property. Staff is not aware of any compliance issues on the subject property at this time.

**2.2 MCC 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, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) 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 ...

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**MCC 39.3080: Lot of Record – (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.

(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.

(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.

(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:** Land use case no. T2-2016-6559 found that the 4.94 +/- acres subject property is a Lot of Record. The subject property remains in the same 4.94 +/- acres configuration described in the aforementioned previous land use case. Therefore, the 4.94 +/- acres subject property remains a Lot of Record. *Criteria met.*

### **3.0 TYPE B HOME OCCUPATION RENEWAL:**

**3.1 MCC 39.8850(D):** The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

- (1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

**Staff:** Case no. T2-2016-6559 approved a Type B home occupation to utilize a portion of the single-family dwelling for a short-term rental and an accessory structure adjacent to the single-family dwelling as a farm office. The approval noted that the home occupation would utilize 368 +/- sq. ft. of the single-family dwelling and 336 +/- sq. ft. of the accessory structure

(Exhibit A.3). Per the applicant's narrative, all on-site business functions are conducted entirely within the areas identified in the original permit. The total area dedicated to the activities is 704 sq. ft. as identified on the submitted floor plan (Exhibit A.4). C. Vail Fletcher and Gregory Stamp continue to serve as the business operators (Exhibit A.2). *Criterion met.*

- 3.2 (2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.**

**Staff:** A condition of approval is included in this decision to ensure this criterion is met. *As conditioned, the above criterion is met.*

- 3.3 (3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.**

**Staff:** The applicant submitted the request for a renewal as well as the required forms and documents on May 11, 2020 (Exhibits A.1 – A.4). Case T2-2016-6559 was set to expire on July 11, 2020; hence, the applicant submitted the request prior to the expiration date of the original approval. *Criterion met.*

- 3.4 (4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 39.1105.**

**Staff:** Staff has processed the application pursuant to the Type II procedures described in MCC 39.1105. An opportunity to comment was mailed to adjacent property owners on May 28, 2020 (Exhibit C.2). No comments were received. There will be a 14-day appeal period for this decision as noted on page 1 of this decision. *Criterion met.*

- 3.5 (5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it: (a) Is consistent with the prior approval; (b) Is consistent with MCC 39.8850(A); and (c) Does not increase the intensity of use of the premises.**

**Staff:** No modifications to the previous approval (case no. T2-2016-6559) are proposed as part of this renewal application. *Criterion met.*

#### **4.0 CONCLUSION:**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Type B Home Occupation Renewal Permit to continue to utilize a portion of the single-family dwelling as a short-term rental and the accessory structure adjacent to the single-family dwelling as a farm office as authorized in land use case no. T2-2016-6559. This approval is subject to the conditions of approval established in this report.

#### **5.0 PUBLIC COMMENT:**

### Comments from Mark Greenfield and Jane Hartline, adjacent property owners.

**Staff:** Greenfield and Hartline indicated no objections to the proposal provided the conditions of approval from the initial Type B Home Occupation Permit approval remained.

#### 6.0 EXHIBITS:

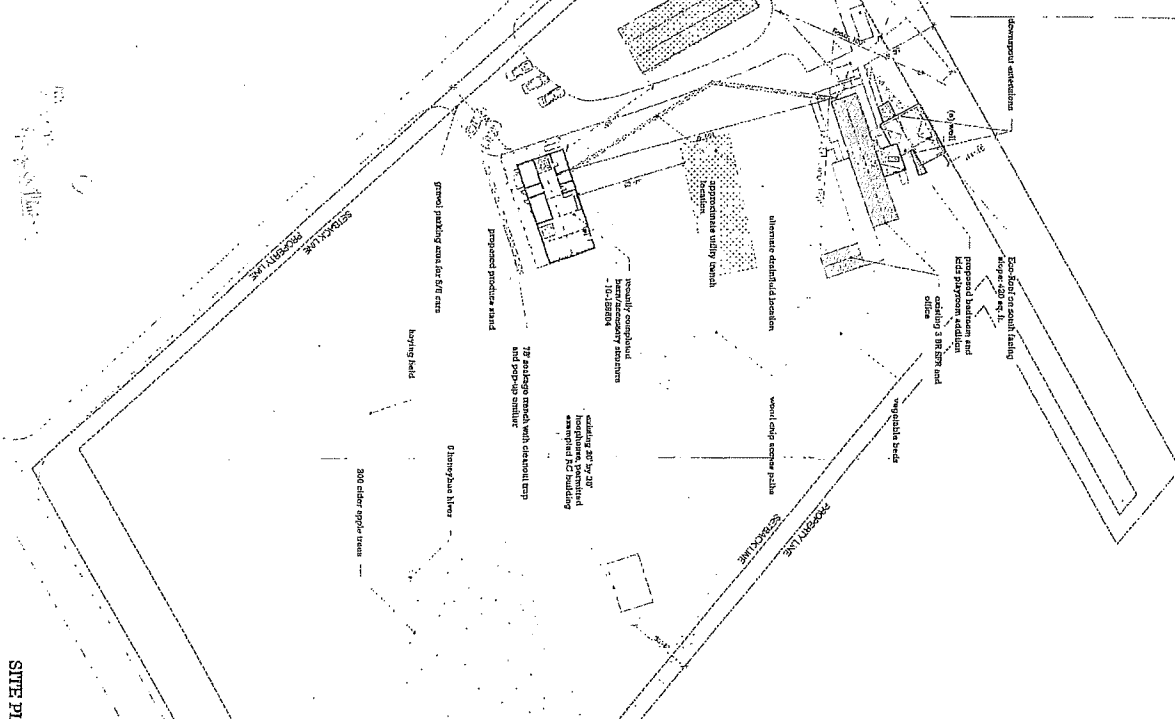
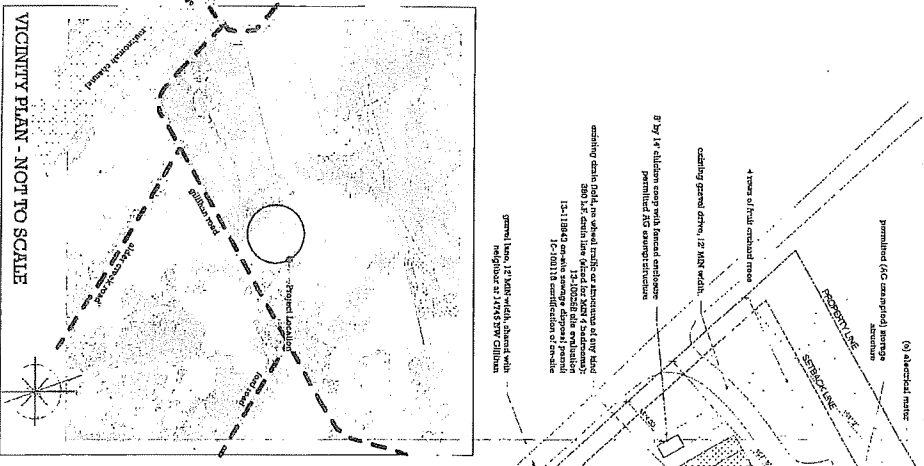
- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

Exhibits with a "\*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2020-13281 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	05.11.2020
A.2	1	Applicant Narrative	05.11.2020
A.3	31	Copy of the notice of decision for land use case no. T2-2016-6559	05.11.2020
A.4*	2	Site Plan and Floor Plan from land use case no. T2-2016-6559	05.11.2020
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 2N1W28 - 00300	05.11.2020
B.2	1	Department of Assessment, Records and Taxation (DART): Map for 2N1W28 – 00300	05.11.2020
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	05.19.2020
C.2	4	Opportunity to Comment	05.28.2020
C.3	7	Administrative Decision	06.12.2020
'D'	#	Comments Received	Date
D.1	1	Comments from Greenfield and Hartline	06.07.2020

# Minimal Impact Project - Erosion Control Regis

- Site means the following criteria for a minimal impact:
- It is less than 10% pre-development slope
  - It is more than 200' from a wetland or water
  - It is not in an environmentally sensitive area
  - It is not in a flood plain or other regulated area
  - It is not a bird habitat or 10,000 square feet or more
1. Soil Stabilization
  2. After construction has been completed, permanently stabilize all exposed soils
  3. Prevent the transport of sediment from the site
  4. Control sediment, prevent the production of pollutants in addition to sediment from stormwater runoff
  5. Prevent the transport of sediment from the site
  6. Prevent the transport of sediment from the site
  7. Prevent sediment from entering of storm drains, including filters which receive runoff from the disturbed area



## Project Information

**Project Description:** New 42' x 100' x 10' building, including kitchen, bathroom, and storage area. The building will be used for storage and as a workshop.

**Project Address:** 14765 NW Gillman Road, Portland, OR 97231

**Property ID Number:** 2N1W22-0300

**Tax Map:** 2N1W22-0300

**Site ID Number:** 14765 NW

**Zone:** M-1.5

**Height Limitation:** 10' (10' max height, including roof)

**Setback:** 10' (10' max height, including roof)

**Area:** 4,200 sq. ft.

**Cost:** \$100,000

## Project Team

**Owner:** Yanni Doulis

**Architect:** Yanni Doulis Architecture Studio, LLC

**General Contractor:** Greg Stamp (see ref)

## Sheet Index

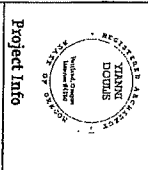
A-0	Site Diagram and Vicinity Map
A-1	General Notes, Dimensions and Easement
A-2	Foundation and Footing Details
A-3	Roofing Details
A-4	Exterior Wall Details
A-5	Interior Wall Details
A-6	Window and Door Details
A-7	Finish Details
A-8	Site Plan
A-9	Foundation and Footing Details
A-10	Roofing Details
A-11	Exterior Wall Details
A-12	Interior Wall Details
A-13	Window and Door Details
A-14	Finish Details
A-15	Site Plan
A-16	Foundation and Footing Details
A-17	Roofing Details
A-18	Exterior Wall Details
A-19	Interior Wall Details
A-20	Window and Door Details
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A-43	Site Plan
A-44	Foundation and Footing Details
A-45	Roofing Details
A-46	Exterior Wall Details
A-47	Interior Wall Details
A-48	Window and Door Details
A-49	Finish Details
A-50	Site Plan

## An Addition at the Croft

14765 NW Gillman Road  
Portland, OR 97231

YANNI DOULIS  
ARCHITECTURE STUDIO LLC

11100 NW 10TH AVE  
PORTLAND, OR 97229  
503.444.4444  
www.yannidoulis.com



**Project Info**  
Vicinity Plan  
Sheet Index  
Site Plan  
**A-0**  
Drawing is valid January 22, 2017



