NOTICE OF DECISION

August 7, 2025

Date:



Instrument Number for Recording Purposes: # Book 2367, Page 2292

www.multco.us/landuse • Email: land.use.planning@multco.us • Phone: (503) 988-3043

Application for an Accessory Use Determination

Case File:	T2-2024-0086	Applicant:	Kristi Gustafson			
Proposal:	Request for an Accessory Use Determination for a new two-story detached accessory workshop and storage space.					
Location :	27620 SE Carl Street, Gresham		Property ID # R169016			
	Map, Tax lot : 1S3E24A -03600		Alt. Acct. # R316404270			
Base Zone:	Multiple Use Agriculture (MUA-20)					
Overlays:	Significant Environmental Concern – Water Resource (SEC-wr), Significant Environmental Concern – Wildlife Habitat (SEC-h)					
Decision:	Approved with Conditions					
This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is August 21, 2025 at 4:00 pm.						
Opportunity to Review the Record : The complete case file and all evidence associated with this application is available for review by contacting <u>LUP-comments@multco.us</u> . Paper copies of all documents are available at the rate of \$0.71/page.						
Opportunity to Appeal : The appeal form is available at www.multco.us/landuse/application-materials-and-forms . Email the completed appeal form to LUP-submittals@multco.us . An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted						
Issued by:						
	Anna Shank-Root, Planner					
For:	Megan Gibb, Planning Director					



Applicable Approval Criteria:

Multnomah County Code (MCC): <u>General Provisions</u>: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions

<u>General Provisions</u>: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – Multiple Use Agriculture – 20 (MUA-20), MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

<u>Multiple Use Agriculture – 20 (MUA-20)/Accessory Use Determination:</u> MCC 39.4315(H) Review Uses: Structures...which do not meet the "accessory structures" standard in MCC 39.4310(H)(1)-(7) Allowed Uses, but which meet the ... provisions, MCC 39.4325 Dimensional Standards and Development Requirements (C) Minimum Yard Dimensions, (G) On-site sewage disposal, storm water/drainage control, water systems, (J) Exterior Lighting

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

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. **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)]

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- 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 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to <a href="https://line.ncb/lin
- b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
 - i. 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.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to <u>LUP-submittals@multco.us</u> with the case no. T2-2024-0086 referenced in the subject line. [MCC 39.1185]

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. 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. [MCC 39.1170(B)]
- 3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Record pages 1 through 4 and Exhibits A.2 and 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]
 - b. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted at the time of Zoning Plan Review [MCC 39.1170(A) & (B)]
- 4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Provide the Letter of Acknowledgement and recorded Notice of Decision as required in Condition 3.a through 3.c. and 3.e. [MCC 39.1170(A) & (B)]
 - b. Provide a lighting plan showing the locations of all exterior lights and providing fixture details meeting the requirements of MCC 39.6850. [MCC 39.4325(J)]
 - c. Apply for aground disturbance permit, either Erosion and Sediment Control or Minimal Impact Project, as appropriate for the project scope. [MCC 39.6210]

- 5. **As an on-going condition**, the property owner(s) shall:
 - a. Prior to occupancy of the proposed accessory building, install the Stormwater Drainage Control Facilities as outlined in Exhibit A.6. The facilities must be maintained on-site in perpetuity. [MCC 39.4325(G)]
 - b. Not use the accessory buildings 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) and MCC 39.4315(H)(1)]
 - c. Not install or construct cooking facilities; toilet(s), bathing facilities such as a shower or bathing tub, or closet(s) built into a wall in the workshop without first obtaining a Land Use Planning approval. [MCC 39.4310(F)(4) and MCC 39.4315(H)(4)]
 - d. Not have 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 [MCC 39.4310(F)(4) and MCC 39.4315(H)(5)]

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, 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 submitting Building Plans for Zoning Review..." Be ready to demonstrate compliance with the conditions.
- 2. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: https://www.multco.us/planreview. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
- 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 additional permit requirements as outlined in the Septic Review Certification.
- 4. Visit https://www.multco.us/landuse/submitting-building-plan for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, "When submitting Building Plans for Zoning Review..." are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Gresham.

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: Request for an Accessory Use Determination for a new two-story detached accessory workshop and storage space.

2.0 Property Description & History:

Staff: This application is for 27620 SE Carl Street. The subject property is located on the south side of SE Carl Street in unincorporated east Multnomah County, within Metro's Urban Growth Boundary (UGB). The subject property is zoned MUA-20 and is located partially within Significant Environmental Concern – Water Resource (SEC-wr) and Significant Environmental Concern – Wildlife Habitat (SEC-h) overlays.

The property is developed with a 1955 single-family dwelling and attached garage and a farm building, and is approximately 2.42 acres according to the County Assessor, consistent with the structures that are visible on the most recent aerial photographs of the subject property.

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 (Exhibit C.3). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 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 or zoning review approval of development or any other approvals authorized by this code 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.

* * *

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.

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.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *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.

* * *

MCC 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:

* * *

Staff: A Lot of Record decision was made in T2-2021-14541 (Exhibit B.3), and the property has not changed configuration in the time since. *Criteria met*.

6.0 Multiple Use Agriculture – 20 (MUA-20) Criteria:

6.1 6.1 MCC 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:
 - (d) Workshops;
 - (e) Storage sheds, including shipping containers used for storage only;

Staff: The applicant proposed an accessory structure for use as a fiber arts workshop/hobby space, and for storage of related materials (Exhibits A.3 and A.4). *Criterion 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 structure is designed for its intended use as a workshop and storage space, and does not contain any features of a residential structure. *This criterion is met*.

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- (3) The Accessory Structure may contain one sink.
- (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 proposed structure is two stories, and therefore, Per MCC 39.4310(F)(7), the Review Use provisions have been reviewed in Section 7.0 of this report.

(5) Compliance with MCC 39.8860 is required.

39.8860- CONDITION OF APPROVAL -ACCESSORY BUILDINGS. 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.

Staff: The applicant has provided a copy of the recorded covenant as Exhibit A.9. *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: According to the Applicant's Site Plan (Exhibit A.2), the total square footage of the accessory structures on the subject property is approximately 2,240 square feet. *Criterion 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 structure will be two stories (Exhibits A.3 and A.4). As such, it is subject to the Review Use provisions of MCC 39.4075(L), which have been reviewed in Section 7.0 of this report.

(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 structure is proposed as an accessory structure subject to the review use criteria of MCC 39.4315(H) and therefore is not subject to (8) above.

6.2 MCC 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS All development proposed in this base zone shall comply with the applicable provisions of this section.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

* * *

Staff: Per the applicant's site plan (Exhibit A.3), the workshop is proposed approximately 12 feet from the west (side) property line, approximately 129 feet from the east (side) property line, approximately 82 feet from the front property line along NW Carl St, and more than 500 feet from the rear property line. The elevation drawings (Exhibit A.4) indicate that the structure will be 21'4" in height. *This criterion is met*.

(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: Despite any insufficiencies in the right-of-way width adjacent to the subject property, the proposed workshop is located more than 80 feet from the property line adjacent to the right-of-way (Exhibit A.2). As such, no additional yard area is required. *Criterion met*.

- (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 offsite 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 provided an approved Septic Review Certification (Exhibit A.5) indicating that the proposed workshop poses no concern to septic as long as the applicant requests a Minor Alteration of Septic Installation Permit to remove elements that were placed outside of a permit. Obtaining the required septic permit is a condition of approval. The applicant has provided a Stormwater and Drainage Control Certificate (Exhibit A.6) stamped by an Oregon registered Professional Engineer stating that stormwater will be managed by construction of an on-site stormwater drainage control system. A condition of approval requires installation of the stormwater system as outlined in Exhibit A.6. *As conditioned, this criterion is met*.

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

Staff: Providing a lighting plan showing the locations of all exterior lights and providing fixture details at the time of Zoning Plan Review is a condition of approval. *As conditioned, this criterion is met.*

7.0 Accessory Use Determination Criteria:

7.1 MCC 39.4315 REVIEW USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

- (H) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4310 Allowed Uses, but which meet the following provisions:
 - (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

Staff: The structure is designed for its intended use as a workshop and storage space, and does not contain any features of a residential structure. *This criterion is met*.

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

Staff: The proposed structure will not contain a bathing tub (Exhibit A.4). *Criterion met.*

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

Staff: No bathroom is proposed within the structure (Exhibit A.4). *Criterion met*.

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

Staff: The proposed structure will not contain cooking facilities (Exhibit A.4). *Criterion met*.

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

Staff: Compliance with this standard in perpetuity is a condition of approval. *As conditioned, this criterion is met.*

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

Staff: The structure will contain two stories (Exhibits A.2, A.3 and A.4), which exceeds the allowed use standards. The applicant indicates in their narrative (Exhibit A.3) that they have proposed the structure as two stories to accommodate the stormwater system, minimize the impact to the stormwater system. The two-story design has the added effect of avoiding impacts to the limitation on square-footage in the allowed use standards. The applicant has provided dimensions of the equipment that will be located in the workshop, as well as photographs and written description of the volume of fiber arts materials that will be stored in the workshop and storage spaces (Exhibits A.3 and A.8) as justification that the proposed size and two-story design of the structure constitutes the minimum possible departure from the Allowed Use standards to accommodate the structure's purpose. *Criterion met*.

(7) Compliance with MCC 39.8860 is required.

Staff: The applicant has provided a copy of the recorded covenant as Exhibit A.9. *Criterion met*.

8.0 Conclusion

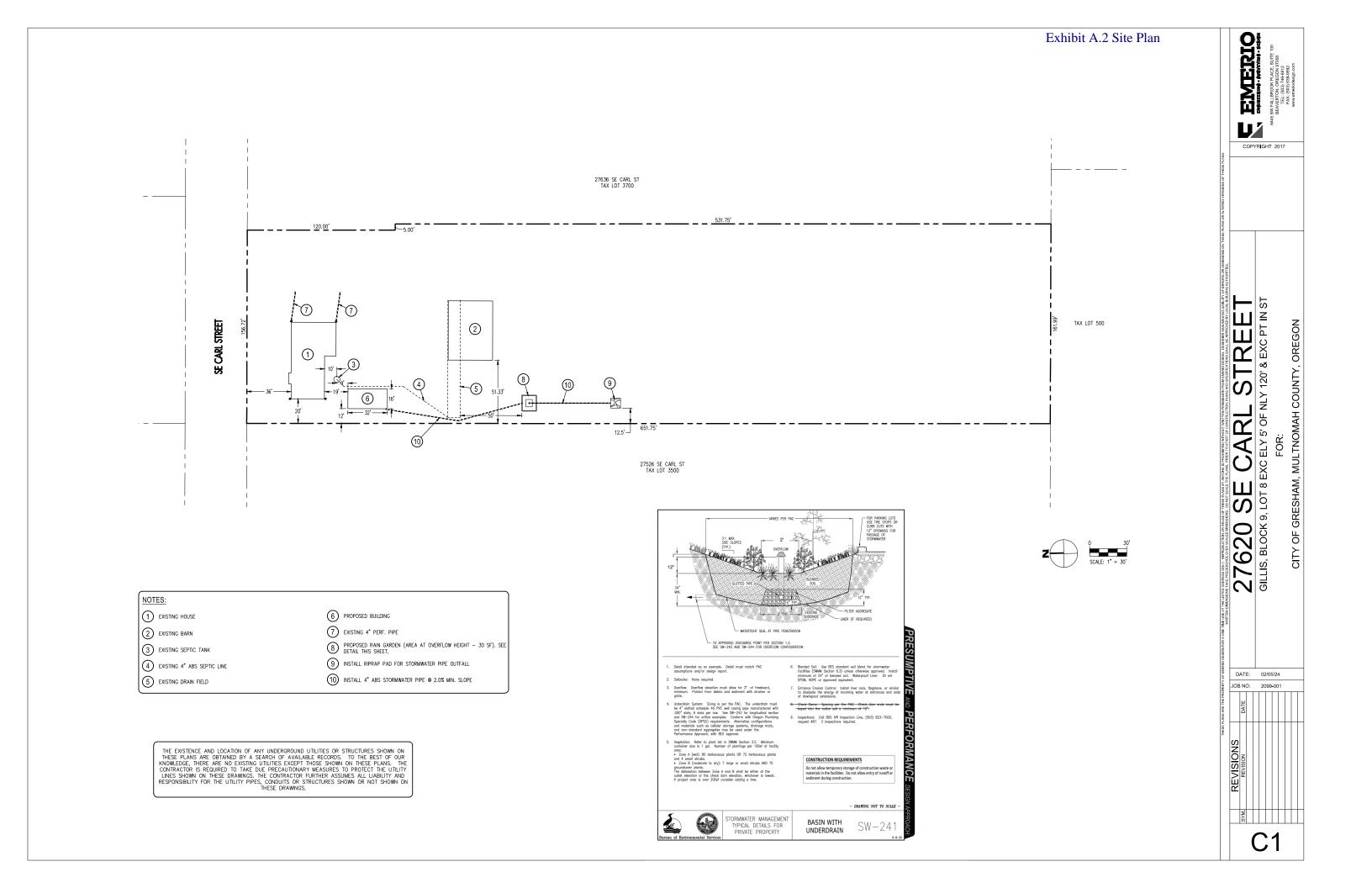
Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination to establish a workshop/storage space in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

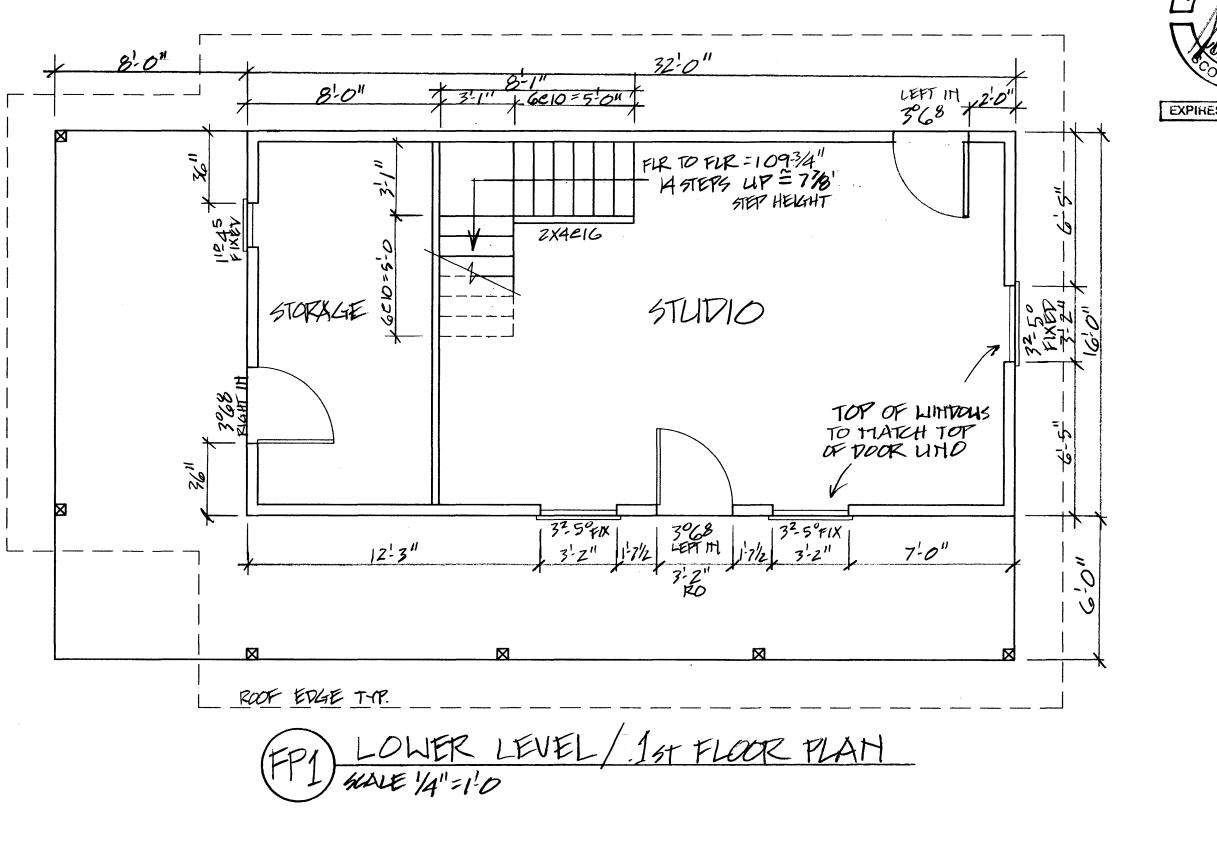
9.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

Exhibits with an '*' have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	10.01.2024
A.2*	1	Site Plan	10.01.2024
A.3	2	Code Narrative	03.27.2025
A.4*	12	Floor Plans and Elevation Drawings	10.01.2024
A.5	7	Septic Review Certification	10.01.2024
A.6	3	Stormwater and Drainage Control Certificate	10.01.2024
A.7	3	Fire District Review Form	10.01.2024
A.8	4	Photographs of Storage Items	03.27.2025
A.9	3	Recorded Covenant	03.27.2025
A.10	N/A	Complete Case Record	Multiple Dates
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S3E24A -03600 (Property ID # R169016/Alt. Acct. # R316404270)	09.19.2024
B.2	1	Current Tax Map for 1S3E24A	07.23.2025
B.3	10	T2-2021-14541	07.23.2025
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete letter	10.25.2024
C.2	1	Complete letter (day 1)	03.28.2025
C.3	8	Opportunity to Comment	05.01.2025
C.4	10	Decision	08.07.2025





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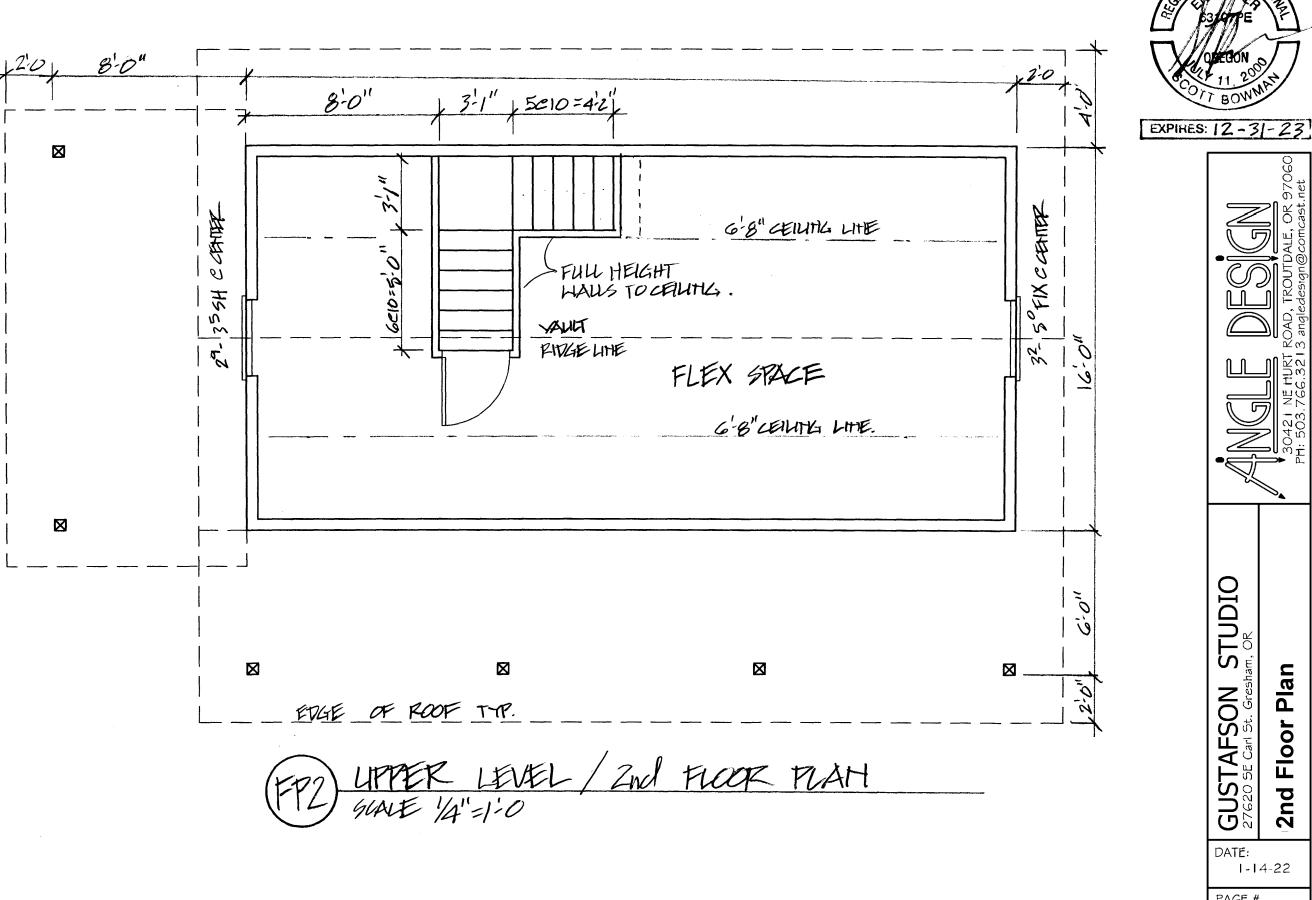
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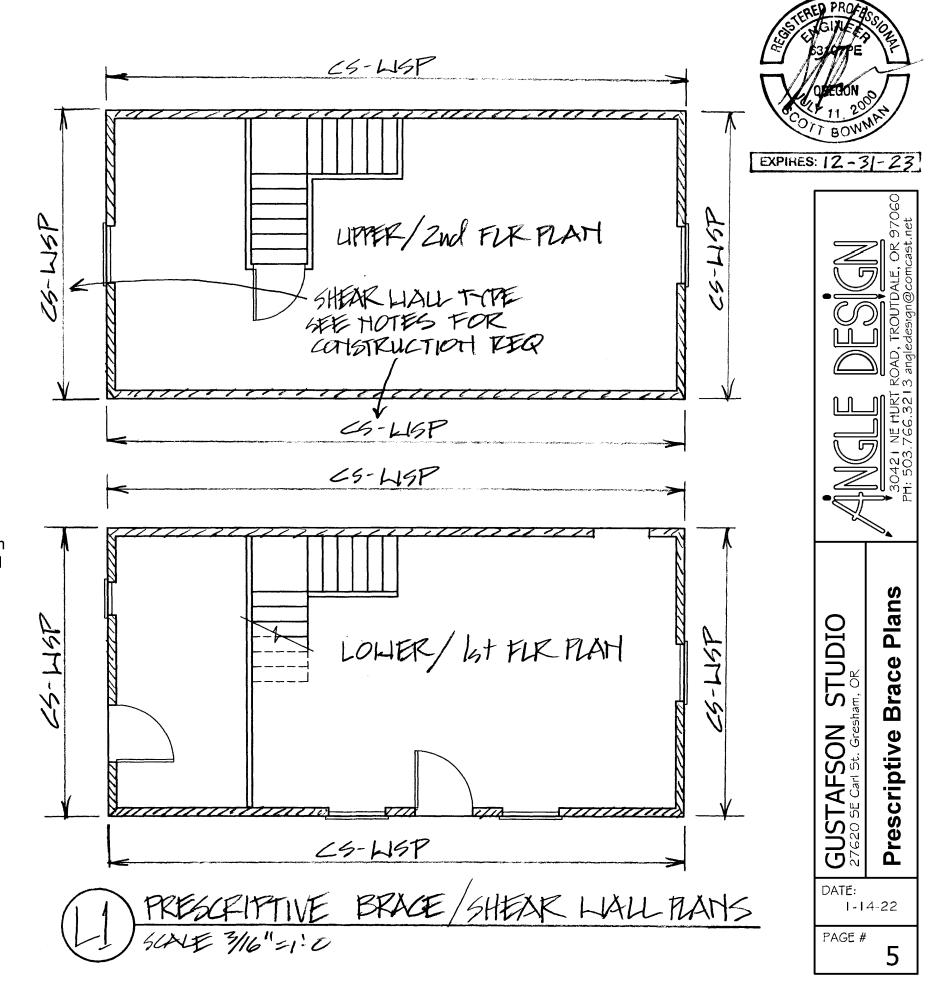


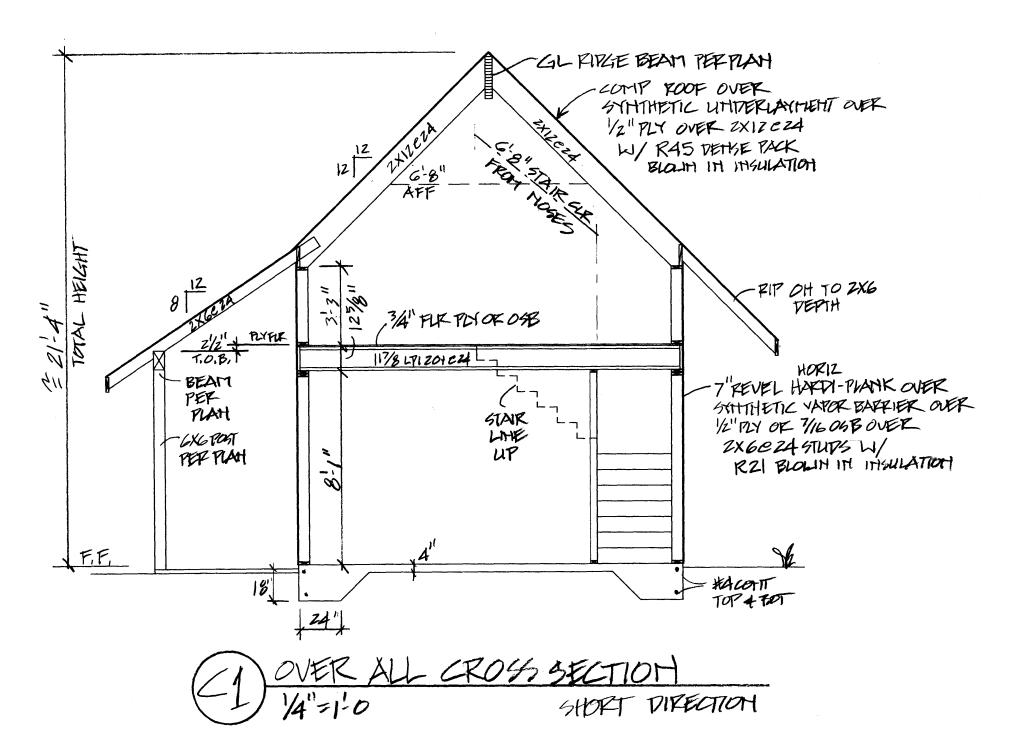
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SHEAR WALL NOTES:

CS-WSP equals prescriptive path continuous sheathing wood structural panel. Exterior walls to be continuously sheathed with 15/32 ply or 7/16 OSB. All edges to be blocked and nailed 8d @ 6"o.c. Field nail 8d @ 12"o.c. PT2x6 sill plate anchored to foundation with 1/2" anchor bolts at 4'-0" o.c. and 3" sq plate washers. Anchor bolt embed to be 7". 1/2"x6" Titen HD concrete screw anchors can be used in lieu of the CIP anchor bolts.

Continuous Sheathing means sheathing to be installed above and below all openings. It also means that if sheathing is attached to wall prior to tilting up, the sheathing hangs down far enough to lap the rim board a minimum of 1.5". Edge nailing to occur on the rim and the wall bottom plate. There shall not be a horizontal sheathing joint at the bottom of the wall bottom plate or anywhere split on the bottom plate that relies solely on bottom plate nailing to transfer shear from wall into / thru floor system.





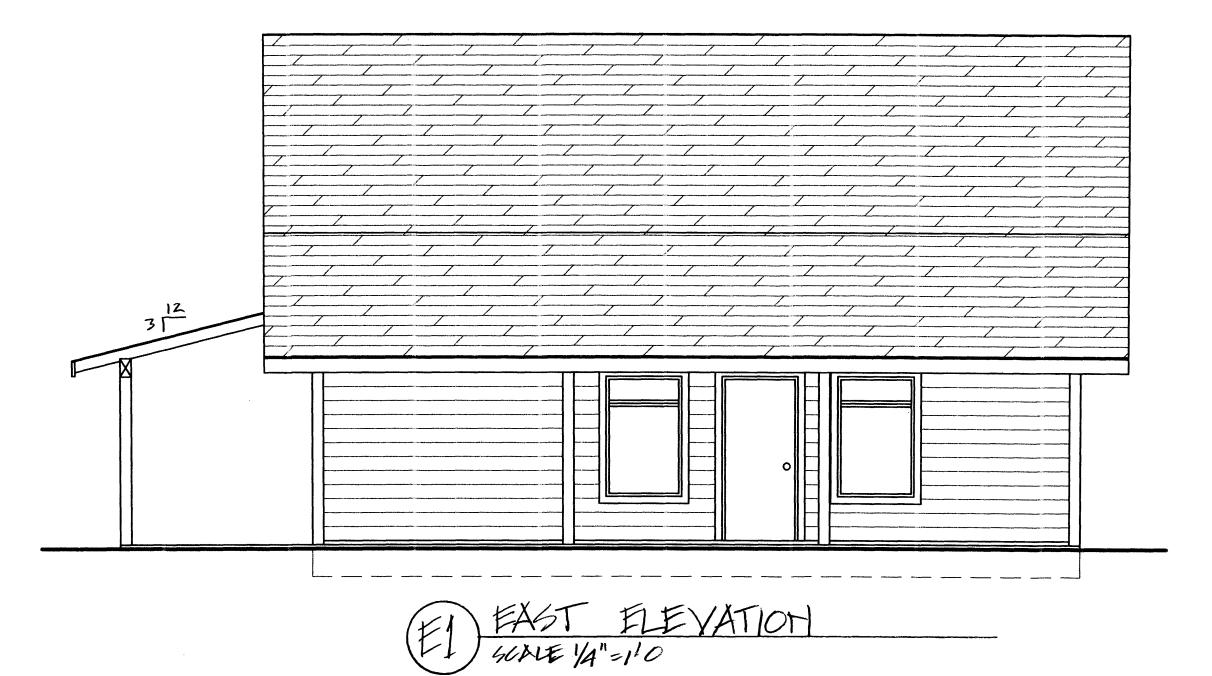
Stam, OR E/W Cross Section

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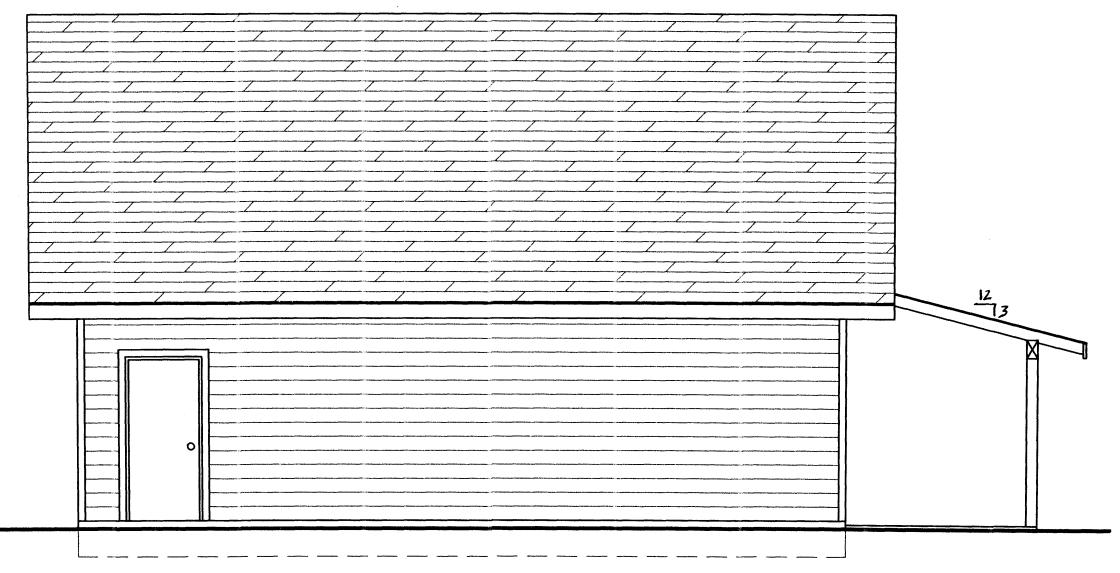
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East Elevation





EZ WEST ELEVATION

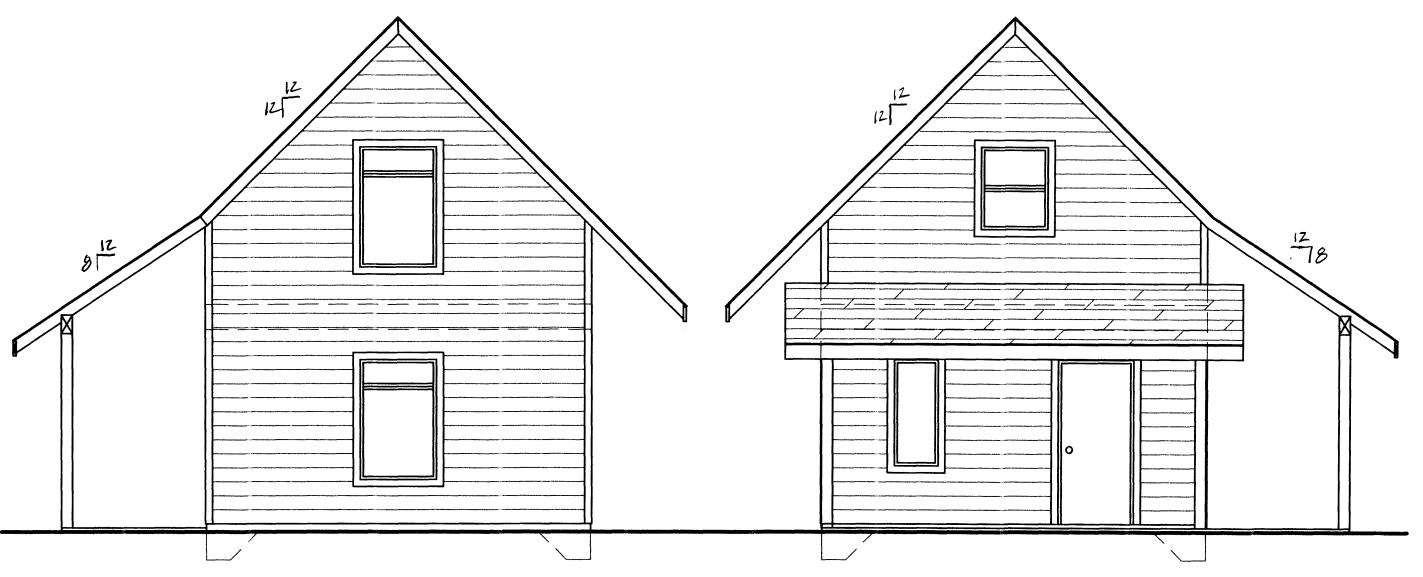
SCALE 14"=1'0

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EXPIRES: 12-31-23



(E3) NORTH ELEVATION

SCALE 1/4"=10

EA) SOUTH ELEVATION SCALE 1/4"=110

GUSTAFSON STUDIO 27620 SE Carl St. Gresham, OR N & S Elevations

DATE: 1-14-22

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