

# NOTICE OF DECISION



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## Application for Temporary Permit

<b>Case File:</b>	T2-2025-0004	<b>Applicant:</b>	Heather Stebbings, Shaver Transportation
<b>Proposal:</b>	Request for a temporary permit for three (3) spud barge lease areas on the submerged lands within the water body of the Columbia River and adjacent the properties below.		

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<b>Location:</b>	On the submerged lands within the water body of the Columbia River adjacent to:		
	<b>Map, Tax lot:</b> 2N1E19-00200	<b>Alt. Acct. #</b> R951190030	<b>Property ID #</b> R489120
	<b>Map, Tax lot:</b> 2N1E19-00100	<b>Alt. Acct. #</b> R951190020	<b>Property ID #</b> R489119
	<b>Map, Tax lot:</b> 2N1E28-00200	<b>Alt. Acct. #</b> R951280010	<b>Property ID #</b> R323351

<b>Base Zone:</b>	Multiple Use Forest – 10 (MUF-19)
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<b>Overlays:</b>	Flood Hazard (FH)
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<b>Decision:</b>	Approved with Conditions
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**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, April 22, 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 [LUP-comments@multco.us](mailto:LUP-comments@multco.us). Paper copies of all documents are available at the rate of \$0.46/page.

**Opportunity to Appeal:** The appeal form is available at [www.multco.us/landuse/application-materials-and-forms](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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

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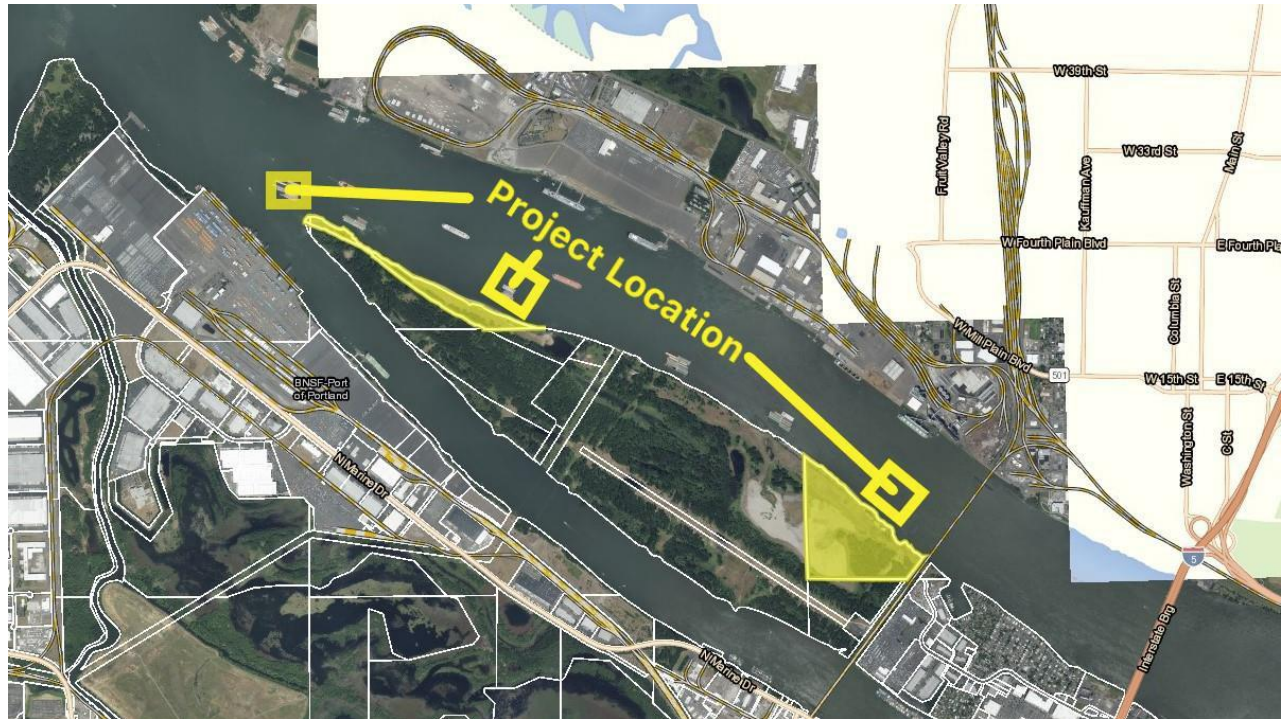
<b>Issued by:</b>	<u><i>Lisa Estrin</i></u>
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Lisa Estrin, Senior Planner

<b>For:</b>	Megan Gibb, Planning Director
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<b>Date:</b>	Tuesday, April 8, 2025
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## Vicinity Map



## Applicable Approval Criteria:

**Multnomah County Code (MCC):** General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions

Multiple Use Forest – 19 (MUF-19): MCC 39.4715 Temporary Uses, MCC 39.4717 Dimensional Requirements and Development Standards

Temporary Uses: MCC 39.8750 Temporary Permits for Certain Uses

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. This temporary permit runs from August 15, 2025 to August 15, 2026. No time extensions may be granted. [MCC 39.8750(A)]
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. All three spud barge lease areas shall cease and all spud barges are to be removed from the leaseholds within 5 days of the expiration of this permit unless a new land use permit is granted.

- a. If a new temporary permit is to be applied for, the property owner or their representative shall make the application at least 60 days prior to the expiration of this permit to avoid having to remove the improvements during the processing of a new permit. [MCC 39.1185(E) and MCC 39.8750(A)]

**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 Temporary permit for three (3) spud barge lease areas within the Columbia River on submerged lands adjacent to 2N1E19 -00100 (R951190020), 2N1E19 -00200 (R951190030), and 2N1E28 -00200 (R951280010) between River Mile 102-106.

### 2.0 Property Description & History:

**Staff:** This application is for the submerged lands within the Columbia River adjacent to 2N1E19 -00100 (R951190020), 2N1E19 -00200 (R951190030), and 2N1E28 -00200 (R951280010) between River Mile 102-106. The identified tax lots are to assist in documenting the present locations of the spud barges as the actual riverbed is not broken down into separate tax lots. The State of Oregon owns the underlying land at this location of the Columbia River and has leased the land.

The submerged lands within the Columbia River is zoned Multiple Use Forest (MUF-19) and is located outside of Metro’s Urban Growth Boundary (UGB) boundary. The submerged land is also located in the Flood Hazard (FH) overlay.

### 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.2). Staff did not receive any 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.**

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

\* \* \*

**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.

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. *Criterion met.*

## **5.0 Multiple Use Forest – 19 (MUF-19)Criteria:**

### **5.1 § 39.4715 TEMPORARY USES.**

**Temporary uses may be permitted when approved pursuant to MCC 39.8700 and 39.8750.**

**Staff:** The applicant proposes to maintain three (3) spud barge lease areas within the Columbia River on submerged lands owned by the State of Oregon adjacent to tax lots 2N1E19 -00100 (R951190020), 2N1E19 -00200 (R951190030), and 2N1E28 -00200 (R951280010) between River Mile 102-106 (Exhibits A.1, A.12, A.13 & B.7). As designed each of the spud barges are a structure comprised of a barge with steel tubes that house a steel pipe. The steel pipe rests on the river bed to anchor the barge in place.

### **5.2 § 39.4717 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

**(C) Minimum Yard Dimensions – Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Staff:** The DSL lease areas range from 250 to 365+/- from the edge of Hayden Island in the Columbia River. The location of the lease areas meets the above minimum yards (Exhibit A.10 & A.11).

The spud barges range in size from 35 feet wide to 50 ft wide (Exhibit A.4).

**(F) All exterior lighting shall comply with MCC 39.6850.**

**Staff:** A condition of approval has been included that any lighting meet MCC 39.6850.

## **6.0 Temporary Permit Criteria:**

### **6.1 § 39.8750- TEMPORARY PERMITS FOR CERTAIN USES.**

**(A) Notwithstanding the limitations of use as established by this Chapter in each of the several base zones, 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:** The applicant requests a temporary permit for the continued use of three (3) spud barge lease areas. Each spud barge is a structure that is anchored in place and “serve as a temporary moorage for empty or wheat-filled barges” that await docking at the Port of Portland Terminal 5 and Terminal 6 (Exhibit A.3). As designed the spud barges are temporary in nature as they can be moved in a process that, “takes about 3 to 4 hours.” Therefore, the proposed spud barges qualify as an “Other uses of a temporary nature...” and are allowed when approved through a temporary permit.

As required above, this temporary permit for the three spud barge lease areas will run for a period of one year as specified in Condition No. 1. If another temporary permit is not granted in a year, the spud barges will be removed as conditioned in Condition No.3. The issuance of a Temporary Permit is at the discretion of the Planning Director. *As conditioned, criteria met.*

## 7.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Temporary Permit to allow the continue the use of the spud barge lease areas in the MUF-19 zone. This approval is subject to the conditions of approval established in this report.

## 8.0 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](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	2/11/2025
A.2	1	DSL Lease Information	2/11/2025
A.3	10	Temporary Permit Narrative	2/11/2025
A.4	1	Site Plan for Lease Area 1 & 2	2/11/2025
A.5	1	Site Plan for Lease Area 3	2/11/2025
A.6	10	Spud Barge General Conditions Survey dated November 4, 2021	2/11/2025
A.7	11	Temporary Permit T2-2023-17142	2/11/2025
A.8	8	Temporary Permit T2-2021-14500	2/11/2025
A.9	6	Flood Development Permit T1-2024-0020	2/11/2025
A.10	1	Tax Map 2N1E19 with Lease Areas #1 & #2	2/11/2025
A.11	1	Tax Map 2N1E28 with Lease Area #3	2/11/2025
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 2N1E19-00100 (Alt Acct# R951190020/ Property ID# R489119)	3/14/2025

B.2	2	Assessment and Taxation Property Information for 2N1E19-00200 (Alt Acct# R951190030/ Property ID# R489120)	3/14/2025
B.3	2	Assessment and Taxation Property Information for 2N1E28-00200 (Alt Acct# R951280010/ Property ID# R323351)	3/14/2025
B.4	1	Current Tax Map for 2N1E19	3/14/2025
B.5	1	Current Tax Map for 2N1E28	3/14/2025
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Complete letter	3/07/2025
C.2	4	Opportunity to Comment	3/17/2025
C.3	6	Decision	4/08/2025