

NOTICE OF DECISION



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

Application for Adjustment, Lot of Record Verification, Willamette River Greenway

Case File: T2-2025-0010

Applicant: George Hayden

Proposal: Request for a Lot of Record Verification, Willamette River Greenway (WRG) permit, and an Adjustment permit. A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration. The Willamette River Greenway (WRG) and Adjustment is for a new accessory building and two (2) accessory structures.

Location: 15140 NW Gillihan Rd., Portland

Property ID # R325229

Map, Tax lot: 2N1W27B -00500

Alt. Acct. # R971270240

Base Zone: Multiple Use Agriculture – 20 (MUA-20)

Overlays: Flood Hazard (FH)
Willamette River Greenway (WRG)

Determination: The subject property known as 2N1W27B -00500 is a Lot of Record in its current configuration.

Decision: The requested Willamette River Greenway (WRG) and Adjustment permits are **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, September 22, 2025 at 4:00 pm.

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:

Digitally signed by Rithy Khut
DN: cn=Rithy Khut, o=Multnomah
County, ou=Department of Community
Services, email=rithy.khut@multco.us,
c=US

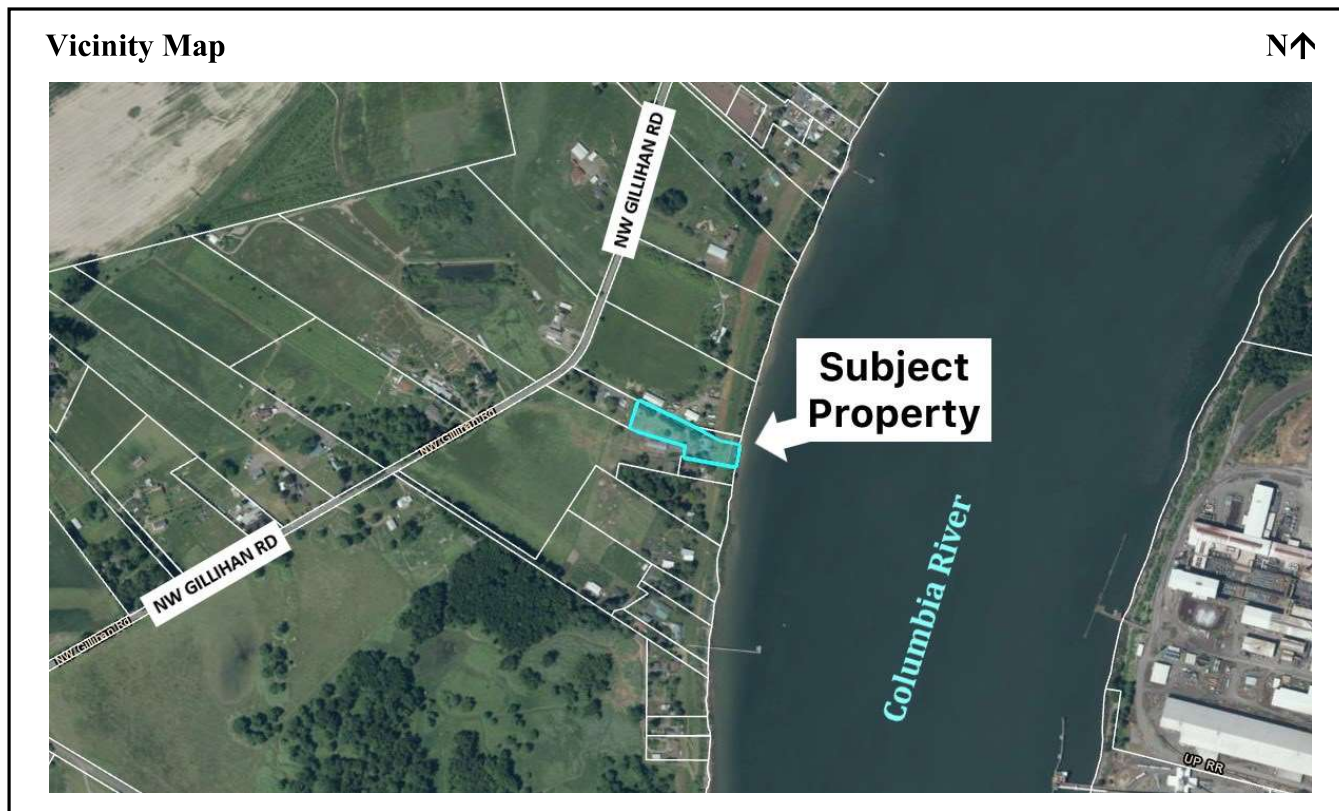
Rithy Khut, Senior Planner

For: Megan Gibb,
Planning Director

Date: Monday, September 8, 2025

Instrument Number for Recording
Purposes: # 2024-024965

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. Paper copies of all documents are available at the rate of \$0.71/page.



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 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 – 20 (MUA-20): MCC 39.4310(F) Allowed Uses - Accessory Structures..., MCC 39.4325(C), (D), (G), (J) Dimensional Requirements and Development Standards

Willamette River Greenway (WRG): MCC 39.5910 Uses - Greenway Permit Required, MCC 39.5935 Greenway Design Plan

Adjustments: MCC 39.8205 Scope, MCC 39.8210 Adjustment Approval Criteria

Comprehensive Plan Policies: Policy 5.14, 6.4, 11.12, 11.13, and 11.17

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** and 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.

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 accessory building.
 - 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 LUP-submittals@multco.us with the case no. T2-2025-0010 referenced in the subject line.
 - 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 accessory building and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0010 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. 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 and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 39.1170(A) & (B)]
 - b. Prepare a new site plan demonstrating compliance with the 6-foot side yard for the accessory building. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building, which are the building's eaves. [MCC 39.4325(C), MCC 39.8205(A), and MCC 39.8210(A)]

- c. Record a covenant with the County Recorder that states that the owner understands and agrees that the accessory building labeled as a “Barn” in Exhibit A.7 cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 39.4310(F)(2), MCC 39.4310(F)(5), and MCC 39.8860]
 - d. Record a covenant with the County Recorder that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times can occur on adjacent property and in the general area. [MCC 39.8210(C)]
 - e. Record pages 1 through 6 of this Notice of Decision and Exhibits A.7 (as modified by Condition 3.b), A.8 (Sheet S1, S2, and S3), and B.21 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]
4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
- a. Provide a Letter of Acknowledgement, new site plan demonstrating compliance side yard, covenants, and recorded Notice of Decision as required in Condition 3.a through 3.e. [MCC 39.1170(A) & (B) and MCC 39.4325(C)]
 - b. Demonstrate compliance with the County’s Ground Disturbing Activity regulations by either providing an approved Erosion and Sediment Control (ESC) permit or submitting the required materials to qualify for a Minimal Impact Project (MIP) permit. [MCC 39.5935(O)]
 - c. Submit a final Lighting Plan including cut sheets and specifications showing the location and details for all exterior lighting on the accessory building and supporting the subject property. [MCC 39.4325(J) and MCC 39.6850]
 - i. All exterior lighting shall be a fixture type that is fully shielded with opaque materials and directed downwards.
 - 1. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding.
 - 2. Shielding must be permanently attached.

Note: Land Use Planning must sign off on and stamp the building plans before you can go to the Building Department.

5. **Prior to and during construction**, the property owner(s) or their representatives shall:
- a. Replant the two trees closest to the river as shown in Exhibit B.20 (e.g. the realtor photos taken in 2023), if they are removed as part of the construction of the accessory building and accessory structures. The replacement trees shall be replaced at a ratio of 1:1 with either native coniferous trees or a non-native tree coniferous trees common to the area that are suitable for winter screening. The replacement trees shall be planted east of the accessory building and accessory structures in the area shown in Exhibit B.21 to ensure adequate screening when viewed from the river. [MCC 39.5935(A), (E), (J), (P)]
 - b. Construct the storm water drainage control system described in Exhibit A.4 and A.7. [MCC 39.4325(G) and Comprehensive Plan Policy 5.14]

- c. Stop work and halt construction, if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including but not limited to finding any evidence of historic campsites, old burial grounds, implements, or artifacts. [MCC 39.5935(H) and Comprehensive Plan Policy 6.4]
 - i. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - ii. The property owner(s) or their representatives shall notify the Planning Director and Oregon State Historic Preservation Office (SHPO) immediately and follow any subsequent actions including conducting surveys, preparing evaluations, and implementing any required mitigation plans.
 - d. Stop work and halt construction, 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). [MCC 39.5935(H) and Comprehensive Plan Policy 6.4]
 - i. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - ii. The property owner(s) or their representatives shall notify Local law enforcement officials, the Planning Director, and the Native American tribal governments immediately and follow any subsequent actions including inspection by the State Medical Examiner, determination if they are prehistoric/historic or modern, determination of jurisdiction, and treatment.
6. **As an on-going condition**, the property owner(s) shall:
- a. Not alter or install the following features in the accessory building labeled as “barn” as shown in Exhibit A.7: Cooking facilities, toilet, bathing facilities, or closets built into a wall without first obtaining a Land Use Planning approval. A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose may be stored in the building, if it is disassembled for storage. [MCC 39.4310(F)(4)]
 - b. Maintain the stormwater drainage control system for the life of the dwelling in compliance with Exhibit A.4 and A.7. [MCC 39.4325(G) and Comprehensive Plan Policy 5.14]
 - c. Maintain the exterior lighting so that the light source is fully shielded with opaque materials, directed downwards, and the lighting is contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4325(J) and MCC 39.6850]
 - i. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding.
 - ii. Shielding must be permanently attached.
 - d. Be responsible for the proper maintenance and survival of trees east of the accessory building as shown in Exhibit B.21 to ensure the accessory building and accessory structures are adequately screened when viewed from the river. If a tree is removed due to death, disease, or safety purposes (i.e. to prevent or mitigate significant loss or damage to life, health, property, or essential public services), the tree shall be replaced at a ratio of 1:1 with either native coniferous trees or a non-native tree coniferous trees common to the area that are suitable for winter screening. [MCC 39.5935(A), (E), (J), (P)]

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 completing the Septic Permit or Evaluation 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. 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 Portland.

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 Lot of Record Verification, a Willamette River Greenway (WRG) permit and an Adjustment permit. A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration. The Willamette River Greenway (WRG) and Adjustment is for a new accessory building (“barn”) and two (2) accessory structures (“propane tank” and “stormwater system”).

2.0 Property Description & History:

Staff: This application is for 15140 NW Gillihan Rd., Portland (“subject property”) The subject property is located on the east side of NW Gillihan Rd along an access easement private driveway in unincorporated west Multnomah County. The subject property is located outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Multiple Use Agriculture – 20 (MUA-20) and has two (2) overlays: Flood Hazard (FH) and Willamette River Greenway (WRG).

The subject property is occupied by a single-family dwelling with built in garage, deck, and covered deck according to the County Assessor The dwelling was first assessed in 1971 and the property is approximately 1.73 acres in size. An aerial photo from 2025 shows one (1) building/structure (Exhibit B.3). These are the previous land use/building permits associated with the property.

| Permit No. | Date | Description |
|------------|------------|-----------------------------------|
| C 26-69 | 12/02/1969 | Access by way of easement |
| 51995 | 09/08/1970 | New single-family dwelling |
| N/A | 03/12/2001 | Remodel of single-family dwelling |

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.4). 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.

(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.

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. *Criterion 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.

(1) “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.

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

* * *

(c) 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

* * *

Staff: To qualify as a Lot of Record, the subject property, when created or reconfigured, must meet MCC 39.3005(B) of this section and meet the Lot of Record standards set forth in the Multiple Use Agriculture -20 (MUA-20) zoning district. More specifically, section (B) above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

One (1) Parcel Record Card and seven (7) deed(s) were reviewed to support the Lot of Record request (Exhibit B.7 through B.14). The earliest deed provided was recorded/in recordable form in 1970 and contains a legal description matching the current configuration of the subject property (Exhibit B.7). In 1970, the subject property was zoned Suburban Residential (SR) per historical County zoning maps (Exhibit B.15 and B.16).

The SR zone had a minimum lot size requirement ranging from 10,000 to 40,000 square feet depending on the services in the area. It also required a minimum average lot width of 70 feet, a minimum average lot depth of 100 feet, and public road frontage or other access deemed safe and convenient (Exhibit B.17). To establish a lot that was (a) 40,000 sq. ft. or more, (b) between 40,000 to 20,000 sq. ft., or (c) between 20,000 sq. ft. to 10,000 sq. ft., the property would need to have the following characteristics:

| Lot Area | Minimum Standards |
|----------------|---|
| 40,000 sq. ft. | Approved public or private water supply Approved individual sewage disposal system Approved public access |
| 20,000 sq. ft. | Approved public water supply Approved individual sewage disposal system Approved public access |
| 10,000 sq. ft. | Approved public water supply Approved public sewer or State approved cesspool Approved public access |

The subject property is approximately 75,358.80 sq. ft or 1.73 acres, has an approved access by way of easement under land use case no. C 26-69, and has an average lot width of 157 feet and average lot depth of approximately 746 feet (Exhibit B.2). The current deed for the subject property that contains a legal description that matches the recorded 1970 legal description (Exhibit B.7 and B.13).

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1970, the process to create or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. As evidenced by the 1970 deed, the applicable land division laws were satisfied (Exhibit B.13).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1970.

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:

* * *

Staff: Section (A) is for information purposes.

(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 subject property has less than the minimum lot size for new parcels or lots in the MUA-20 zone, does not have the minimum front lot line length, and does not front onto a public street; therefore, the Lot of Record is subject to (B) above. *Criterion met.*

(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: Subsection (C) is for informational purposes. The property owner is not proposing to convey any portion of the lot currently. *Criterion met.*

(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 under section 5.1, the subject property is not an area of land described as a tax lot solely for assessment and taxation purposes. The subject property is not an area of land created by the foreclosure of a security interest or created by court decree. *Criterion met.*

Based on the findings in 5.1 & 5.2 above, the subject property is a single Lot of Record.

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

6.1 § 39.4310 ALLOWED USES.

(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;

* * *

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

* * *

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures

* * *

Staff: The applicant is requesting a new accessory building and two (2) accessory structures associated with the single-family dwelling. The accessory building (“barn”) will be used as workshop, garage, and for tool/equipment storage (Exhibit A.6 and A.8). One accessory structure is a propane tank and the other is a stormwater drainage control system. Both the building and structures are listed in the above list or could be considered as similar structures. All the structures can be customarily found and incidental to the primary use of the property, which is a single-family dwelling. As one of the accessory structures is a building, additional criteria need to be met as discussed below. *Criteria 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 floor plan of the barn shows a single-story open room with three (3) garage doors (Exhibit A.8). As proposed and designed, the barn is not designed temporarily or permanently; as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use. The other accessory structures are similarly designed and will not be used as listed above (Exhibit A.4 and A.9). Lastly, the property owner will be required to record a covenant regarding use of the structure as any type of dwelling or sleeping area as required by MCC 39.8860. *As conditioned, criterion met.*

(3) The Accessory Structure may contain one sink.

Staff: The applicant is proposing one sink although it is not shown in the floor plans (Exhibit A.6 and A.8). *Criterion met.*

(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 barn is one story and does not contain cooking facilities, toilet, bathing facilities, or closets built into a wall (Exhibit A.8). A condition has been included restricting the ability to add those features to the building without first obtaining the necessary land use approvals. *As conditioned, criterion met.*

(5) Compliance with MCC 39.8860 is required.

Staff: A condition will be required that the property owner complies with MCC 39.8860, which requires that the property owner record a covenant for the barn. *As conditioned, criterion 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: Multnomah County code does not have a definition of building footprint. In comparing other nearby jurisdictions, they use:

- City of Gresham: The total area of the building ground floor measured from the exterior faces of the building.
- Wasco County: The area within the perimeter of a building measured at the foundation and including such features as attached roofed areas and cantilevered floor areas. The term footprint shall not include uncovered patios, decks, uncovered stoops or stairs, or roof eaves.

- Hood River County: The area within the perimeter of a building measured at the foundation and including such features as attached roofed areas; cantilevered floor areas and attached decks greater than 30-inches above grade. The term "building footprint" shall not include uncovered patios, decks less than 30-inches above grade, uncovered stoops or stairs, or roof eaves.

Using those definitions, they all share commonalities that the measurement is at the ground floor or foundation using the exterior of the building and included attached roofed areas.

Based on the above definitions, as measured, the barn is designed with an enclosed area that is 50.32 feet by 43.33 feet (2,029.57 square feet) and an open area under a roof projection that is 26 feet by 11.84 feet (307.84 square feet). In total the footprint of the building is 2,337.41 square feet (Exhibit A.8). There will be no other accessory buildings on the property (Exhibit A.7). *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 applicant has demonstrated either by design or by condition of approval that the accessory building does not exceed any of Allowed Use provisions; therefore, the Review Use provisions are not applicable. *Criterion 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.

* * *

(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 right-of-way (ROW) closes and most nearly parallel to the subject property is NW Gillihan Road. The barn and propane tank are subject to the yard dimensions as they are both 30 inches or more above the ground. The stormwater system is not as it is low to the ground or underground.

As discussed in the narrative, the applicant is requesting an Adjustment to reduce the side yard from the most southern lot line to both the barn and propane tank. The adjustment would reduce the yard from 10 feet to 6 feet (Exhibit A.6). As defined in MCC 39.2000, the yard is measured horizontally from the nearest point of the side lot line to the nearest part of the building, which are the building’s eaves. As measured on the site plan from the south lot line, the building and propane tank are not exactly 6 feet (Exhibit A.7). A condition will be required that a finalize site plan be prepared showing that the barn as measured from the end of the eaves and propane tank are a minimum of 6 feet from southern lot line.

Secondly, elevation plans shown the height of the barn and the propane tank are both less than 35 feet (Exhibit A.8). *As conditioned, criteria 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 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 provided a Septic Review Certification and Stormwater Drainage Control Certificate. The on-site sewage disposal was reviewed Nicole Blais, Multnomah County Sanitarian. The Sanitarian stated, “Proposed pole barn...+ stormwater infiltration trench poses no concern to septic.” (Exhibit A.5). The storm water/drainage control was reviewed and certified by Adam Zucker, P.E. The Certificate recommends, “Construction of an onsite storm water drainage control system” (Exhibit A.4). The report recommends that, “roof drains from the north and south side of the structure will drain to the east into a 40-foot long French drain / infiltration trench.”

This system will ensure that the rate of runoff from the subject property during a 10-year/24-hour storm event is no greater than that before the development. Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the dwelling as described.

Lastly, the subject property obtains water via a well. The site plan shows the well is location adjacent to the dwelling between the dwelling and the levee (Exhibit A.7) *As conditioned, criteria met.*

* * *

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

Staff: The applicant's original narrative indicate that exterior lighting will meet the lighting requirements, but no plans were provided showing the location and type of exterior lighting that will be installed on the barn or support the property; therefore, a condition will be required that when submitting building plans for zoning review, the proposed lighting plan be finalized demonstrating compliance with MCC 39.4325(J) and MCC 39.6850. *As conditioned criterion met.*

7.0 Willamette River Greenway (WRG) Criteria:

7.1 § 39.5910 USES - GREENWAY PERMIT REQUIRED.

All uses allowed in the base zone are allowed in the WRG when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5920, subject to approval of a WRG permit pursuant to this Subpart.

Staff: The applicant is requesting a permit to authorize the construction of a new accessory building ("barn") and two (2) accessory structures ("propane tank" and "stormwater system") within the Willamette River Greenway (WRG). The development is associated with accessory uses in the MUA-20 zone as discussed in Section 6.1. The use and associated ground disturbance are not an exempt use listed in MCC 39.5920; therefore, a Greenway Permit is required.

7.2 § 39.5935 GREENWAY DESIGN PLAN.

The elements of the Greenway Design Plan are:

(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.

Staff: In determining the maximum possible area between the use and the Willamette River, a baseline must be established. The existing use on the property is a single-family dwelling that was constructed in the 1970s. The location of the existing dwelling defines the area between the use and the river. As the proposed barn and accessory structures are located further from the river than the existing dwelling. Additionally, between the dwelling and river is Sauvie Island Levee. Due to the location of the levee, the applicant is required to leave the area between the existing development and the river untouched as it could damage the levee. Currently, there is a grass lawn, rocks, vegetation, and sand (Exhibit B.3 and B.18 through B.20). To ensure that there will continue to be open space and vegetation, a condition will be required that trees and vegetation be retained between the river and the proposed barn and accessory structures as shown in Exhibit B.21. If the two trees closest to the river as shown in Exhibit B.20, the realtor photos taken in 2023, those two trees shall be replaced on a one-to-one basis in the area highlighted in Exhibit B.21. *As conditioned, criterion met.*

(B) Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.

Staff: The project area is located on private property adjacent to the Willamette River. The development is located behind the Sauvie Island Levee. Public access the beach along the

Willamette River is provided in other more appropriate areas outside of the subject property (Exhibit B.3 and B.18 through B.20). *Criterion met.*

(C) Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource base zones may continue in urban uses.

Staff: The existing dwelling is located approximate 150 feet from the river. The barn and accessory structures are set back further than the existing dwelling. The propane tank is located approximately 160 feet from the river and the barn is approximately 200 feet (Exhibit A.7). If the applicant elected to place the barn and accessory structures in a location that was the greatest degree possible, the building and structures would be located on the property's drainfield. *Criterion met.*

(D) Agricultural lands shall be preserved and maintained for farm use.

Staff: The subject property does not currently contain agricultural land that is being preserved and maintained for potential farm uses. Although the barn and accessory structures will remove some agricultural land from potential farm use, the location of the building and structures will allow for a larger area to potentially support any potential farm uses that could be proposed in the future on the property (Exhibit A.7). For adjacent properties, there are some farm uses occurring; however, most farm uses are occurring across the street on properties that are zoned EFU (Exhibit B.3). As the barn and accessory structures are accessory to the existing dwelling, the new buildings and structures should not impact agricultural lands or farm uses. *Criterion met.*

(E) The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time on those lands inside the Urban Growth Boundary.

Staff: The proposal does not include the harvesting of timber and there are no indications that trees will be removed as part of this proposal. However, if the project does remove trees between the barn and accessory structures and the river, a condition will be required that trees be replaced on a one-to-one basis. The trees shall be planted in the area between the accessory building/structures and the river as shown in Exhibit B.21. *As conditioned, criterion met.*

(F) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.

Staff: As discussed previously, the proposal is located on private land that is located behind the Sauvie Island Levee. 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 Willamette River is over 100 feet from the existing dwelling, which is the closes structure to the river (Exhibit A.7 and B.3). *Criterion met.*

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

Staff: The proposed location of the barn and accessory structures will occur in an area that is already impacted. If there are significant fish and wildlife habitats in those areas, the existing

dwelling use, would have already impacted those habitats. As previously discussed the proposed barn and accessory structures are located more than 150 feet from the Willamette River's edge (Exhibit A.7). This distance will limit the impacts to the riparian areas near the Willamette River. The location of the new development will ensure that significant fish and wildlife habitats that are in and adjacent to the Willamette River are protected. *Criterion met.*

(H) Significant natural and scenic areas and viewpoints and vistas shall be preserved.

Staff: There are no known significant viewpoints located within the project area or on the subject property. The proposed development will occur on private property and none of the proposed development will occur in significant natural areas within the Greenway or along the Willamette River. As discussed previously, as shown in Exhibit B.21, an area adjacent to the dwelling is identified where trees will need to be protected and if needed be replanted if they are removed. *Criterion met.*

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

Staff: As previously discussed, the development will occur on private property. The only areas where the public can access the property is along the shoreline adjacent to the Willamette River (Exhibit B.3 and B.18 through B.20). The applicant's narrative indicates that security cameras will be placed on the barn to deter trespassing and vandalism. *Criterion met.*

(J) The natural vegetation along the river, lakes, wetlands and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion, screening of uses from the river, and continuous riparian corridors.

Staff: As previously discussed there is natural vegetation between the existing dwelling use and the river. No development is proposed in this area as the levee is in this location. As development activities are limited along the levee, natural vegetation will be protected. Secondly, the location of the proposed barn and accessory structures will be setback from the river in an area that has already been disturbed. Additionally, as shown in Exhibit B.21, a condition of approval will be required to ensure protection of tree removal and replanting, if necessary. A continuing obligation will also ensure that the scenic quality will be protected. *As conditioned, criterion met.*

(K) Extraction of known aggregate deposits may be permitted, pursuant to the provisions of MCC 39.7300 through 39.7330, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

Staff: The proposal does not include extraction of aggregate; therefore, this criterion is not applicable. *Criterion not applicable.*

(L) Areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.

Staff: As discussed previously, the development is located behind a levee in an area that has been previously developed. The levee is designed to prevent annual flooding. There are no flood plains

or wetlands on this property. Lastly, the barn and accessory structures are more than 150 feet from the river water area (Exhibit A.7 and B.3). *Criterion met.*

(M) Significant wetland areas shall be protected as provided in MCC 39.5940.

Staff: The subject property does not contain significant wetland areas as defined in MCC 39.5940; therefore, those criteria are not applicable. *Criteria not applicable.*

(N) Areas of ecological, scientific, historical or archaeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

Staff: There have been no indications of known areas of ecological, scientific, historical, or archaeological significance; 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, criterion met.*

(O) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.

Staff: The applicant has not submitted a separate Erosion and Sediment Control (ESC) permit or Minimal Impact Project (MIP) permit discussing how ground disturbance will occur for the project; therefore, the applicant will be required to obtain either an ESC or MIP permit prior to construction. *As conditioned, criterion met.*

(P) The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in development, change of use, or intensification of use of land designated WRG.

Staff: The applicant is proposing a barn and accessory structures. The subject property currently has an existing dwelling. As the subject property has an existing residential use, the quality of the air, water, and land resources in areas classified WRG have already been impacted, as there is an established residential use. The proposed location of the barn and accessory structures will occur in an area that is already impacted. The proposed barn and accessory structures will be clustered with the other residential use on the property. The uses proposed for the building should not contribute to an increase in the ambient noise levels in the area, as the barn and accessory structures are associated with a residential use. The site plan indicates that the proposed barn and accessory structures are located more than 150 feet from the Willamette River's edge (Exhibit A.7 and B.3). This distance will limit the impacts of the residential use and preserve areas nearest to the Willamette River. Additionally, as shown in Exhibit B.21, a condition of approval will be required to ensure protection of tree removal and replanting, if necessary. A continuing obligation will also ensure that the scenic quality will be protected. *As conditioned, criterion met.*

(Q) A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource base zones, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use.

Staff: The barn is approximately 200 feet from the waterline of the Willamette (Exhibit A.7). The low waterline is approximately another 100 feet; therefore, the barn is more than 300 feet from the ordinary low waterline. *Criterion met.*

(R) Any development, change of use or intensification of use of land classified WRG, shall be subject to design review, pursuant to MCC 39.8000 through 39.8050, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

Staff: The applicant is proposing construction of an accessory building and accessory structures associated with a single-family residence use. A single-family residence use is exempt from the provisions of MCC 39.8000 through MCC 39.8050; therefore, no Design Review is required. *Criterion met.*

(S) The applicable policies of the Comprehensive Plan are satisfied.

Staff: The applicable policies within the Comprehensive Plan are discussed in Section 9.0.

8.0 Adjustment Criteria:

8.1 § 39.8205 SCOPE.

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

* * *

Staff: As discussed in Section 6.2, the applicant is requesting an Adjustment to reduce the yard for a proposed accessory building and propane tank. The applicant's narrative indicates that the requested Adjustment is to reduce width from the side yard to the south lot line from 10 feet to 6 feet, or 40 percent (Exhibit A.6). As defined in MCC 39.2000, the yard is measured horizontally from the nearest point of the side lot line to the nearest part of the building. As measured on the site plan from the south lot line to the nearest part of the building, which is located at the eaves of the roof, the accessory building 2.93 feet from the lot line (Exhibit A.7). The propane tank is 6.65 feet.

As the measurement is greater than a 40 percent reduction, a condition will be required that a finalize site plan be prepared showing that the barn as measured from the eaves and propane tank are a minimum of 6 feet from southern lot line. At minimum the closest portion of the building's eaves shall be located as shown in Exhibit B.22. *As conditioned, criterion met.*

* * *

8.2 § 39.8210 ADJUSTMENT APPROVAL CRITERIA.

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 39.8205 upon finding that all the following standards in (A) through (F) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Staff: The barn and propane tank are considered as accessory structures, which are classified as an Allowed Uses in MCC 39.4310(F). In order to allow for the barn and propane tank, the applicant is required to meet the requirements of MCC 39.4325(C) for the side yard. The purpose of a yard is to provide space, light, air circulation, and safety from fire hazards. The barn and propane tank are located on the south side of the property clustered and adjacent to the existing dwelling (Exhibit A.6 and A.7).

The applicant's narrative indicates that the requested Adjustment is to reduce width from the side yard to the south lot line from 10 feet to 6 feet, or 40 percent (Exhibit A.6). As defined in MCC 39.2000, the yard is measured horizontally from the nearest point of the side lot line to the nearest part of the building. As measured on the site plan from the south lot line to the nearest part of the building, which is located at the eaves of the roof, the barn is 2.93 feet from the lot line (Exhibit A.7). The propane tank is 6.65 feet. As the measurement is greater than a 40 percent reduction, a condition will be required that a finalized site plan be prepared showing that the barn as measured from the eaves and propane tank are a minimum of 6 feet from southern lot line. At minimum the closest portion of the building's eaves shall be located as shown in Exhibit B.22.

The area between the southern lot line and the proposed barn and propane tank contains a fence and some vegetation creating open space. The applicant is proposing to construct portions of the stormwater drainage system, which ensure that there is adequate space for light and fire protection between the accessory building and the adjacent neighboring property. Additionally, Sauvie Island Fire have reviewed the proposed development. The Fire District had no concerns about the proposal (Exhibit A.10). Lastly, as discussed in Section 3.0, a mailed notice of application and invitation to comment on the proposed application was sent to the neighboring property owners (Exhibit C.4). No neighbors responded to the notice with any concerns on potential negative impacts to space, light, air circulation, and/or safety from fire hazards. *As conditioned, criterion met.*

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

Staff: As was discussed above, the applicant is proposing to locate a portion of the stormwater drainage control system between the barn and neighboring property. Within that area there is also an existing fence (Exhibit A.7). The location of the proposed accessory structure and existing fence will mitigate some of the impacts from the adjustment; however, due to the location of the stormwater drainage control system, no additional mitigation can be placed between the adjacent property to the south and the proposed barn and propane tank. *Criterion met.*

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the base zone; and

Staff: The applicant is requesting one adjustment for two different structures. In the MUA-20 zone, the purpose of the zone is to:

“...to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be

compatible with the agricultural uses, natural resource base, the character of the area and the applicable County policies.”

To determine the cumulative effects of the proposed development as it relates to the purpose of the zone; an analysis of the combined impacts of the past, present, and reasonably foreseeable future must occur. The existing impacts of the past include an already built environment that includes dwellings, accessory buildings, accessory structures, and nearby agricultural uses on the property and in the immediate vicinity (Exhibit B.3 and B.18 through B.20). The existing development of the property places the dwelling in the eastern portion of the property leaving the western portions open for agricultural uses. The proposed development is clustered to the existing development; located adjacent to the existing dwelling (Exhibit A.7). This will allow for potential part-time commercial farming on the other portions of the property. In predicting the foreseeable future, there is little potential future development of other properties within the vicinity; therefore, the impact of this proposed development will have minimal impacts to future potential development or agricultural uses. However, recognizing the purpose of the zone is to support part-time agricultural uses, a condition will be required to minimize impacts to existing farm uses on adjacent land (contiguous or across the street). *As conditioned, criterion met.*

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

Staff: The subject property is zoned Multiple Use Agriculture – 20 (MUA-20); therefore, this criterion is not applicable. *Criterion not applicable.*

(E) If in the Rural Residential (RR), Rural Center (RC), Burlington Rural Center (BRC), Orient Residential (OR), Orient Commercial-Industrial (OCI), Pleasant Home Rural Center (PHRC), or Springdale Rural Center (SRC) base zone, the proposal will not significantly detract from the livability or appearance of the residential area.

Staff: The subject property is zoned Multiple Use Agriculture – 20 (MUA-20); therefore, this criterion is not applicable. *Criterion not applicable.*

(F) The adjustment must be in support of a lawfully established use or in support of the lawful establishment of a use.

Staff: The adjustment is to allow for the construction and establishment of an accessory structures. The accessory structures, which include buildings are an allowed use in MCC 39.4310 subject to meeting various development and dimensional standards. A condition will be required that the applicant demonstrate compliance with any other required Type I permits and obtain Zoning Plan Review. *As conditioned, this criterion is met.*

9.0 Comprehensive Plan Policies Criteria

9.1 Chapter 5 – Natural Resources

Water Quality and Erosion Control

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: As previously discussed in Section 6.2, the applicant has provided a Stormwater Drainage Control Certificate and Plans describing and showing how stormwater drainage will be managed for the development on the property. The storm water/drainage control was reviewed and certified by Adam Zucker, P.E. The Certificate recommends, “Construction of an onsite storm water drainage control system” (Exhibit A.4). The report recommends that, “roof drains from the north and south side of the structure will drain to the east into a 40-foot long French drain / infiltration trench.” The utilization of a French drain will improve water quality of adjacent streams and waterways by allowing time for retention and infiltration. Installing this system will result in improving watershed health. Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the proposed development as described. *As conditioned, criterion met.*

9.2 Chapter 6 – Historic and Cultural Resources

Cultural and Archeological 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 are no known areas of ecological, scientific, historical, or archaeological significance on the property; however, because there is the possibility that archaeological artifacts or deposits, a condition of approval will be required that directs the property owner(s) or their representatives to stop work and halt construction; notify the Planning Director and Oregon State Historic Preservation Office (SHPO); and follow any subsequent actions including conducting surveys, preparing evaluations, and implementing any required mitigation plans. *As conditioned, criterion met.*

9.3 Chapter 11 – Public Facilities

Water Supply and Wastewater Treatment Systems

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: The subject property obtains water via a well. The site plan shows the well is location adjacent to the dwelling between the dwelling and the levee (Exhibit A.7). *Criterion 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 has provided a septic review certification. The on-site sewage disposal was reviewed Nicole Blais, Multnomah County Sanitarian (Exhibit A.5). *Criterion met.*

Police, Fire, and Emergency Response Facilities

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.

Staff: The applicant has provided a Fire Service Agency Review form. The Fire Service Agency Review was completed by Chris Lake, Fire Chief, Sauvie Island Fire District (Exhibit A.10). The form indicates that:

- “The proposed development is in compliance with the fire apparatus access standards of the Oregon Fire Code Standards”; and
- “The existing fire-flow & flow duration available from public water lines...is adequate to serve the proposed development. No mitigation is necessary.”

Criterion met.

10.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary:

1. For a Lot of Record Verification that the subject property known as 2N1W27B -00500 is a Lot of Record in its current configuration; and
2. For the Willamette River Greenway (WRG) and an Adjustment to establish and construct a new accessory building and two (2) accessory structures in the Multiple Use Agriculture – 20 (MUA-20) zone.

This approval is subject to the conditions of approval established in this report.

11.0 Exhibits

‘A’ Applicant’s Exhibits

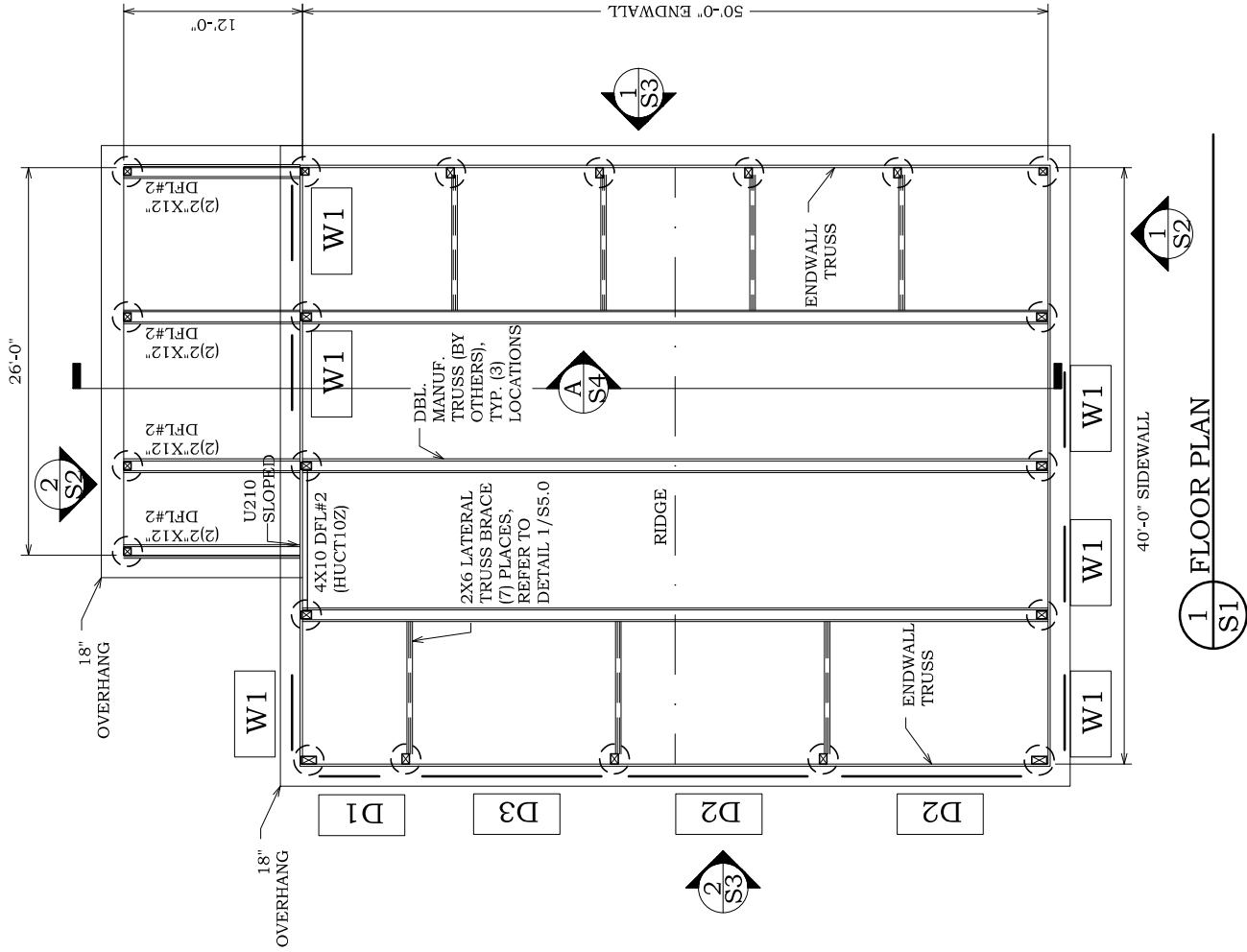
‘B’ Staff Exhibits

‘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 | 03/03/2025 |
| A.2 | 1 | Narrative | 03/03/2025 |
| A.3 | 1 | Site Plan | 03/03/2025 |
| A.4 | 10 | Stormwater Drainage Control Certificate | 03/03/2025 |
| A.5 | 6 | Septic Review Certification | 03/03/2025 |
| A.6 | 2 | Revised Narrative | 03/31/2025 |
| A.7* | 1 | Revised Site Plan | 03/31/2025 |
| A.8* | 8 | Building Plans <ul style="list-style-type: none"> • Sheet N1 – General Notes • *Sheet S1 – Floor Plan • Sheet S1.1 – Post Plan • *Sheet S2 – Front/Rear Elevations • *Sheet S3 – Left/Right Elevations • Sheet S4 – Truss/Framing Plans • Sheet S5 – Structural Details • Sheet J1 – Framing Details | 03/31/2025 |
| A.9 | 1 | Propane Tank Plans | 03/31/2025 |
| A.10 | 3 | Fire Service Provider Review | 03/31/2025 |
| ‘B’ | # | Staff Exhibits | Date |
| B.1 | 2 | Assessment and Taxation Property Information for 2N1W27B - 00500 (Alt Acct #R971270240 / Property ID #R325229) | 03/03/2025 |
| B.2 | 1 | Current Tax Map for 2N1W27B | 03/03/2025 |
| B.3 | 2 | Aerial Photo taken on February 27, 2025 | 03/31/2025 |
| B.4 | 11 | Pre-Filing Meeting Summary Notes, PF-2024-0048 | 03/31/2025 |
| B.5 | 2 | Transportation Planning and Development Review Form, TPR-2025-0003 | 03/31/2025 |
| B.6 | 8 | Transportation Planning and Development Review Form, TPR-2025-0003 – Stormwater Review | 03/31/2025 |

| | | | |
|------------|----------|---|-------------|
| B.7 | 4 | Statutory Warranty Deed recorded as Instrument #2024-024965 on April 30, 2024 | 08/19/2025 |
| B.8 | 2 | Special Warranty Deed recorded as Instrument #2017-073435 on June 19, 2017 | 08/19/2025 |
| B.9 | 4 | Statutory Warranty Deed recorded as Instrument #2000-165324 on December 4, 2000 | 08/19/2025 |
| B.10 | 4 | Oregon Warranty Deed recorded as Instrument #1996-32019 on March 1, 1996 | 08/19/2025 |
| B.11 | 4 | Warranty Deed recorded in Book 968 Page 1657-1660 on January 23, 1974 | 08/19/2025 |
| B.12 | 3 | Declaration of Conditions and Restrictions recorded in Book 749 Page 894-896 on September 1, 1970 | 08/19/2025 |
| B.13 | 2 | Warranty Deed recorded in Book 716 Page 560-561 on January 21, 1970 | 08/19/2025 |
| B.14 | 4 | Parcel Record – Cartographic Unit Card for 2N1W27B -00500 | 08/19/2025 |
| B.15 | 1 | Map showing the zoning of 2N1W27A on or before October 5, 1977 | 08/19/2025 |
| B.16 | 1 | Map showing the zoning of 2N1W27B on or before October 5, 1977 | 08/19/2025 |
| B.17 | 49 | Zoning Ordinance of Multnomah County - Section 3.0 Residential Districts adopted on May 21, 1968 | 08/19/2025 |
| B.18 | 1 | Google Street View taken May 2017 | 08/19/2025 |
| B.19 | 1 | Google Maps Rendering | 08/19/2025 |
| B.20 | 2 | Realtor Photos taken in 2023 | 08/19/2025 |
| B.21* | 1 | Site Plan with Vegetation Retention Requirements | 08/19/2025 |
| B.22 | 1 | Site Plan with Staff Measurements | 08/19/2025 |
| ‘C’ | # | Administration & Procedures | Date |
| C.1 | 11 | Incomplete letter | 03/31/2025 |
| C.2 | 1 | Applicant’s acceptance of 180-day clock | 03/31/2025 |
| C.3 | 2 | Complete letter (day 1) | 04/28/2025 |
| C.4 | 9 | Opportunity to Comment | 07/18/2025 |
| C.5 | 12 | Short Decision | 09/08/2025 |
| C.6 | 30 | Decision | 09/08/2025 |



SYMBOL LEGEND:

| SYMBOL | DESCRIPTION |
|--------|--|
| DOORS | |
| D1 | 4'-0" X 6'-8" MAN DOOR - SB |
| D2 | 12'-0" X 14'-0" NON-INSULATED OVER HEAD DOOR |
| D3 | 12'-0" X 12'-0" NON-INSULATED OVER HEAD DOOR |

| |
|---|
| HAYDEN |
| POLE BUILDING STRUCTURAL DESIGN FOR POST FRAME CONSTRUCTION |
| ISSUE CD |
| DESIGNED BY RJT |
| DRAWN BY CJT |
| CHECKED BY RJT |
| DATE 03/18/25 |
| PROJECT NO. P25001 |

TURNER
ENGINEERING & DESIGN

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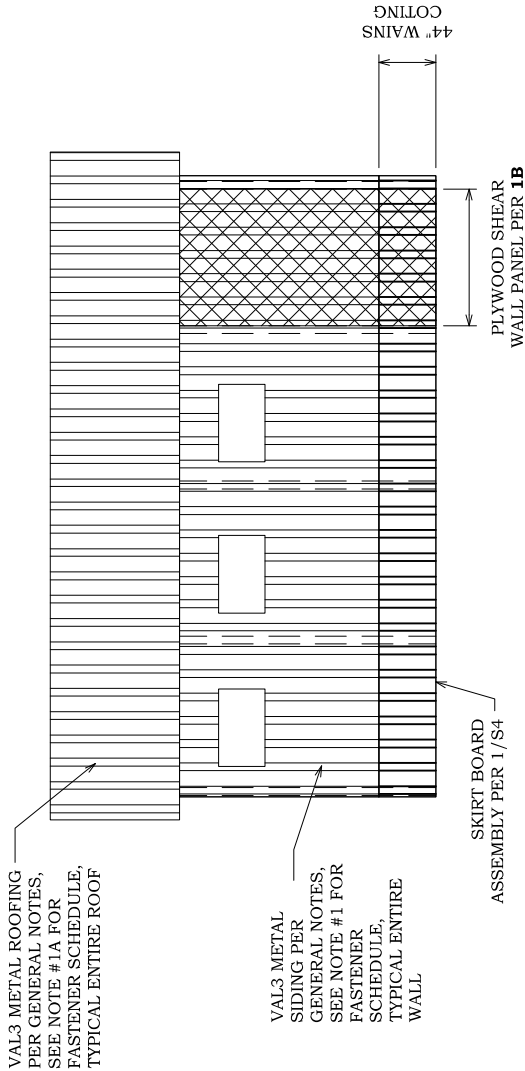
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JULY 15, 2008
RICHARD J. TURNER

PAGE# 2

DETAIL

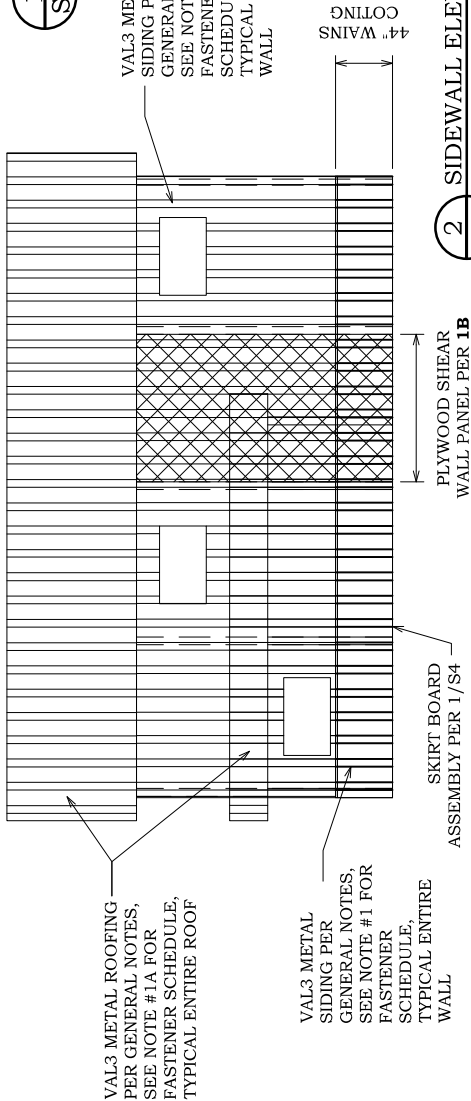
S1

EXP. DATE: 06-30-26



1 SIDEWALL ELEVATION

S2



2 SIDEWALL ELEVATION

S2

NOTE:

1. METAL SIDING/ROOFING ATTACHMENT TO BE #9 1" LONG SCREWS 9" O/C ON ONE SIDE OF EACH MAJOR RIB ENTIRE LENGTH OF PANEL AND AT TERMINATING EDGES.
- 1A. METAL ROOFING ATTACHMENT TO BE #9 1" LONG SCREWS 9" O/C ON ONE SIDE OF EACH MAJOR RIB ENTIRE LENGTH OF PANEL AND 12" O/C AT TERMINATING WITH $\frac{1}{4}$ " APA RATED PLYWOOD SHEATHING OR OSB WITH 8d NAILS AT 6" O/C AT PANEL EDGES AND 1'-0" O/C IN FIELD (REFER TO 6/84).
- 1B. AT INTERIOR FACE OF WALL GIRTS (FULL HEIGHT) INSTALL $\frac{1}{4}$ " APA RATED PLYWOOD WITH 8d NAILS @ 4" O/C AT PANEL EDGES, 1'-0" IN FIELD.
2. REFER TO SHEET N1 AND S4 FOR TYPICAL GIRT AND PURLIN CONNECTION AND SIZES.
3. REFER TO FLOOR/POST LOCATION PLAN FOR DOOR SIZES.
4. REFER TO SHEET J1 FOR DOOR FRAMING INFORMATION.

HAYDEN

POLE BUILDING
STRUCTURAL DESIGN FOR
POST FRAME CONSTRUCTION
ISSUE CD
DESIGNED BY RJT
DRAWN BY CJT
CHECKED BY RJT
DATE 03/18/25
PROJECT NO. P25001

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58949PE

Richard J. Turner
RICHARD J. TURNER
JULY 15, 2007
OREGON S.E.

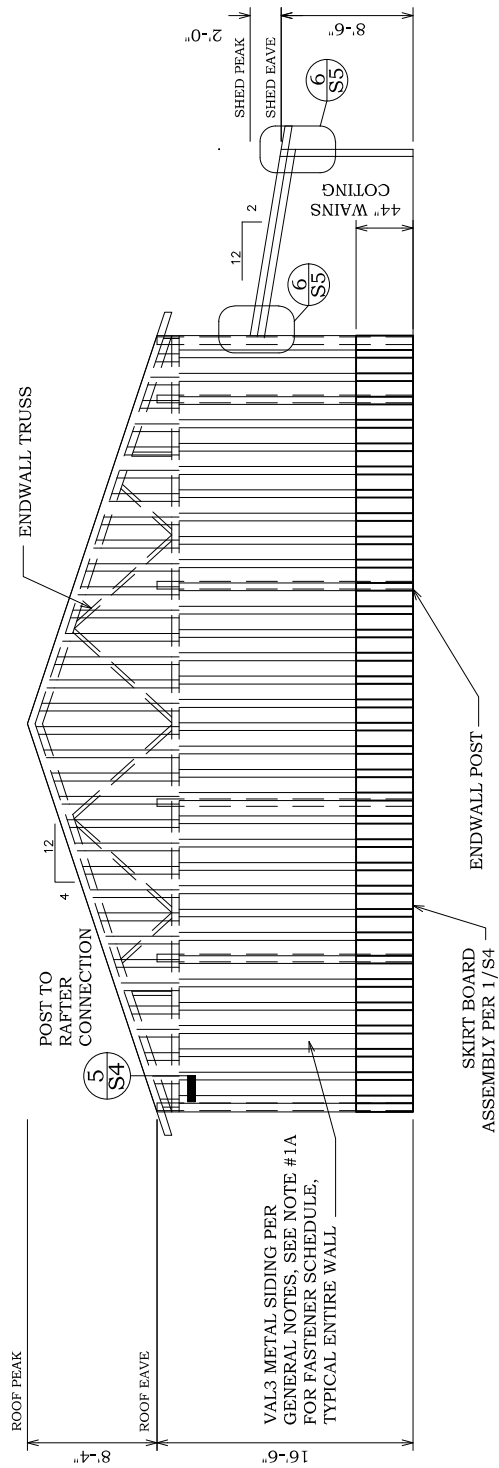
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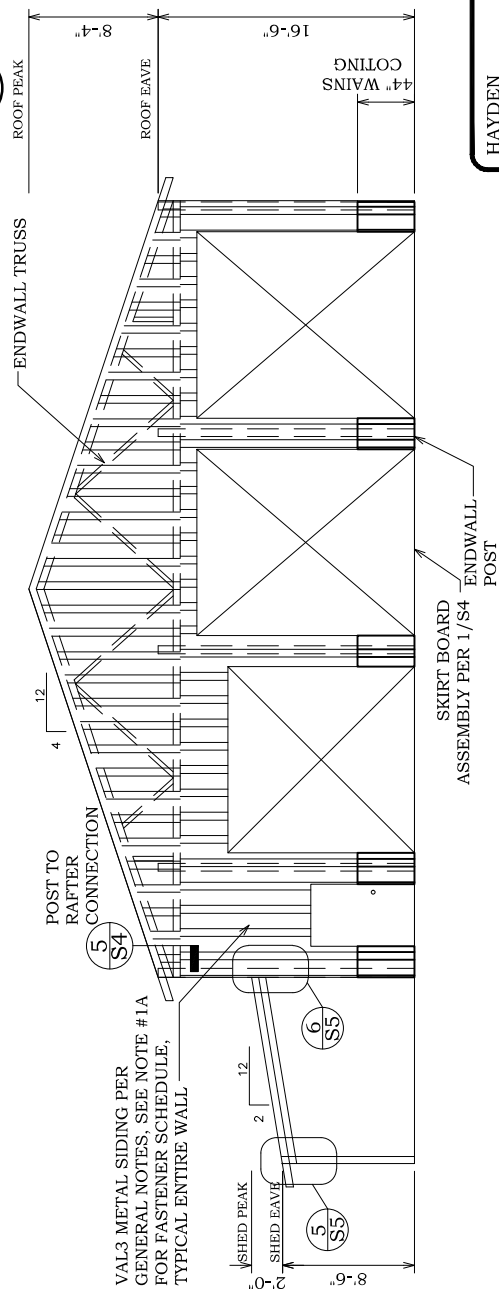
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DETAIL

S2



1 ENDWALL ELEVATION



2 ENDWALL ELEVATION

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DETAIL
S3

