

NOTICE OF DECISION



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

Application for Temporary Permit

Case File: T2-2025-0028 **Applicant:** Sarah Hastings, Ecological Land Services

Proposal: Request for a Temporary Permit for three (3) spud barge lease areas on the submerged lands within the Columbia River adjacent to the properties listed below.

Location: On submerged lands within the Columbia River adjacent to:

Map, Tax lot: 2N1E19-00100 **Alt. Acct. #** R951190020 **Property ID #** R489119

Map, Tax lot: 2N1E29-00300 **Alt. Acct. #** R951290010 **Property ID #** R323355

Base Zone: Multiple Use Forest – 19 (MUF-19)

Overlays: Flood Hazard (FH)

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, October 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 LUP-comments@multco.us. 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: *Lisa Estrin*

Lisa Estrin, Senior Planner

For: Megan Gibb,
Planning Director

Date: Tuesday, October 7, 2025

[illegible]

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

Case No. T2-2025-0028

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 temporary permit runs from October 22, 2025 to October 22, 2026. [MCC 39.1185(E), MCC 39.1185(G), MCC 39.8750(A)]

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. The use of the temporary spud barges shall cease being used and shall be removed within 5 days of the expiration of this permit unless a new temporary permit or time extension is granted. [MCC 39.1185(E), MCC 39.1185(G), 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.
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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 is requesting a Temporary Permit for three (3) spud barge lease areas on the submerged land within the Columbia River adjacent to tax lots 2N1E29-00300 and 2N1E19-00100 in the MUF-19.

2.0 Property Description & History:

Staff: This application is for the submerged lands with the Columbia River adjacent to 2N1E29-00300 (R951290010) and 2N1E19-00100 (R951190020) in the MUF-19 zone. The submerged lands are located in the County’s Flood Hazard (FH) overlay. The identified tax lots are to assist in documenting the proposed locations of the spud barges as the riverbed is not broken down into tax lots. The State of Oregon owns the underlying land at this location of the Columbia River and leases the land.

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 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.

The three spud barges are currently located in the Columbia River. This temporary permit will allow their continued use for one year correcting the unpermitted use of the submerged lands. *This criterion is 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 is requesting a Temporary Permit for three (3) spud barge lease areas on the submerged land within the Columbia River adjacent to tax lots 2N1E29-00300 and 2N1E19-00100 in the MUF-19.

5.2 § 39.4717 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Staff: The three lease areas are at least 30 ft from all property lines (Exhibit A.5). The height of the spud barges is less than 35 ft in height as they sit from the water line (Exhibit A.6 & A.7). *Criteria met.*

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 placement of three (3) spud barges. Previously discussed, each of the spud barges are a structure that is anchored in place. The spud barges are vessels that are used to temporarily moor other barges. The spud barges are anchored temporarily to the river bottom and can be moved in one piece by a tug boat. No permanent moorings will be installed (Exhibit A.4). As designed the spud barges are temporary in nature. 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, the temporary permit for the spud barges will run for a period of one year starting the day after this permit becomes final. A condition of approval has been included that the spud barges are to be removed or reauthorized through a land use permit. *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 establish the three temporary spud barge 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.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	6/17/2025
A.2	1	Consent to Sublease	6/17/2025
A.3	23	Submerged and Submersible Land Lease	6/17/2025
A.4	2	Project Narrative	6/17/2025
A.5	2	Site Plans	6/17/2025
A.6	1	Barge Height Photo	6/17/2025
A.7	1	Spud Barge Floor Plan	6/17/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 2N1E19-00100 (Alt Acct# R951190020/ Property ID# R489119)	6/17/2025
B.2	2	Assessment and Taxation Property Information for 2N1E29-00300 (Alt Acct# R951290010/ Property ID# R323355)	6/17/2025
B.3	1	Current Tax Map for 2N1E19	9/30/2025
B.4	1	Current Tax Map for 2N1E29	9/30/2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	7/17/2025
C.2	2	Opportunity to Comment	7/25/2025
C.3	6	Decision	10/7/2025