

## DEPARTMENT OF COMMUNITY SERVICES

Land Use Planning Division



[www.multco.us/landuse](http://www.multco.us/landuse) ✦ Email: [land.use.planning@multco.us](mailto:land.use.planning@multco.us) ✦ Phone: (503) 988-3043

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### Notice of Hearings Officer Decision

This document provides notice of the Hearings Officer's decision in the matter of **T3-2024-0006**. The decision is effective on being mailed, and the mailing date is **July 31, 2025**. This notice is being mailed to those persons entitled to receive notice under MCC 39.1170(D).

This notice includes the signed Hearings Officer's decision which contains the following information: the name of the applicant or owner; the appellant's name; and the street address or location of the subject property along with a brief summary of the decision and the proposed use. For additional information, please visit our Land Use Planning website at <https://multco.us/departments/land-use-planning-division>.

The Planning Director has not appealed the Hearings Officer's decision. Therefore, the Hearings Officer's Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record.

Appeal instructions and forms are available from:

Land Use Board of Appeals  
201 High St SE, Suite 600  
Salem, Oregon 97301-3398

503-373-1265  
[LUBA.Support@luba.oregon.gov](mailto:LUBA.Support@luba.oregon.gov)  
[www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)

For further information, call or email the Multnomah County Land Use Planning Division at: 503-988-3043 or [LUP-Hearings@multco.us](mailto:LUP-Hearings@multco.us).

1600 SE 190<sup>th</sup> Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

## DECISION OF THE HEARINGS OFFICER

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### **Application for a Lot of Record Determination, Accessory Use Determination, and Variance**

**Case File:** Request for retroactive approval of a 1,185-square-foot accessory building in the MUA-20 zone, a lot of record determination and a variance. T3-2024-0006

**Applicant:** Kim Hancock

**Property  
Owner(s):** Grant Casey and Vanessa Dawson

**Address:** 19114 NW Sauvie Island Road, Portland Property ID # R325011 Map, Tax lot: 2N1W17B - 00100 Alt. Acct. # R971170520

**Base Zone:** Multiple Use Agriculture (MUA 20)

**Overlay** None

**Site Size:** 2.10 acres

**Public Hearing:** The hearing was opened at 1:00 p.m. on July 11, 2025. The hearing was held virtually. The hearing concluded at 1:15 p.m..

**Testified at the Hearing:** Izzie Liu, Staff, Kim Hancock and Vanessa Dawson.

**Post Hearing procedure Summary:** The record was closed at the end of the hearing and there were no post hearing procedures.

The applicant requests retroactive approval of a 1,185-square-foot accessory building that will be used as a personal office and storage shed. The accessory building encroaches into the required front and side yard areas and therefore needs a variance.

## Site Description



**DECISION:** The Hearings Officer finds that the applications for a lot of record determination, a accessory building and a variance, as conditioned meets all criteria and are hereby approved.

The hearings officer's decision is supported by the attached findings.

**Dated** this 25th day of July 2025

*Alan A. Rappleyea*

Alan A. Rappleyea  
Multnomah County Land Use Hearings Officer

This Decision is final when mailed. Appeals may be filed with the Oregon Land Use Board of Appeals within the time frames allowed by State law.

## **FINDINGS**

### **A. HEARING AND RECORD HIGHLIGHTS**

1. Multnomah County Land Use Hearings Officer Alan Rappleyea received testimony at the duly noticed public hearing about an accessory building on July 11, 2025.

2. Izzie Liu, Planning Services summarized the Staff Report and the applicable approval criteria. Ms. Liu found that, as conditioned that applicant met all criteria.

3. Applicant Kim Hancock testified that the application should be approved because it met all the criteria. One of the owners, Ms. Dawson testified that they bought the property believing the subject building was lawful and were willing to do all necessary to make it an approved use. She testified she would use it as an office and workshop for her organic lawn and gardening business and would not use it as an accessory dwelling. She testified that for such a use a bathroom would be very helpful

4. Ms. Molly and Mr. Aaron Egger, who were adjacent neighbors testified in support of the application and were happy that the buildings use for a short term rental had ceased.

5. Mr. Mark Greenfield submitted written testimony concerning the problems associated with illegally building a structure and then asking for forgiveness later. I sympathize with these comments but as Ms. Dawson testified that she believed that this accessory building was lawful when she purchased it, that the wrong party would be punished. Also, Mr. Greenfield raises legitimate concerns regarding the toilet and shower being allowed to remain. I agree these are concerning but with the conditions that will be imposed requiring recordings in the deed records, the close proximity of neighbors who do not want this accessory building to be used as a dwelling, and the testimony from Ms. Dawson of the usefulness of these facilities for her business, I do not believe that it will become an issue.

6. Ms. Cindy Reid submitted written testimony regarding the length of time to resolve this code compliance issue and the burden on the current applicant. She recommended making the Applicant remove bathroom facilities on site. She was not concerned with the current owners using it as a residence but was concerned that future owners would do so. As stated above, I agree with the owner that the bathroom facilities will make the accessory building more useful for the owners' business and that with the required recording of this decision that will lessen the risk of the use of this building as a dwelling. It is certainly a possibility, but no new owner will be able to claim that they were unaware that this accessory building could be used as a dwelling. This should also make code enforcement easier for the County and any future violations will be willful violations.

### **B. HEARINGS OFFICER FINDINGS**

I find that the application for the lot of record determination, the accessory building use and the variance, as conditioned, are all approved. As findings, I adopt the staff report and the testimony of

the parties as described above and as reflected in the record. I adopt as conditions of approval, the staff recommended conditions as found in the staff report and repeated here.

### **C. CONDITIONS OF APPROVAL**

1. Permit Expiration – This land use permit shall expire two years from the date of the final decision, unless all other required land use and building permits for the development have not been obtained from Land Use Planning and the Portland Building Department. The development shall be established according to all specifications and conditions of approval in the land use approval.

[MCC 39.1185(E)]

a. For the purposes of 1, expiration of an approval means that a new application is required for uses that are not established during the approval period.

b. For purposes of 1.a, the property owner shall 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](mailto:LUP-submittals@multco.us) with the case no. T3-2024-0006 referenced in the subject line. [MCC 39.1185]

**Note:** The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]

3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:

a. Record pages 1 through 4 and Exhibit A.3 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division.

Recording shall be at the applicant's expense. [MCC 39.1175]

b. The property owners shall acknowledge in writing that they have read and understood 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 sent to Izze Liu at [isabella.liu@multco.us](mailto:isabella.liu@multco.us). [MCC 39.1170(A) & (B)]

c. Remove the existing cooking facilities from the accessory building. [MCC 39.4310(F)(4)]

d. The property owner shall record a restrictive covenant with County Records confirming that the accessory building will not be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 39.8860]

4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:

e. Provide a Letter of Acknowledgement and recorded Notice of Decision as required in Condition 3a and 3b above. [MCC 39.1170(A) & (B)]

f. Provide a copy of the recorded covenant required under MCC 39.8860.

g. Provide an updated floor plan showing the removal of the cooking facilities (stove, refrigerator, dishwasher), and the replacement of the bathing tub with a shower. [MCC 39.4315(H)(2)]

5. The property owner shall obtain all necessary building permits required by the City of Portland.
  6. The accessory building shall not be used as an accessory dwelling unit, guest cottage, second dwelling unit without first obtaining permission from Land Use Planning to convert the building to such use. [MCC 39.4315(H)]
  7. Prior to the use of the accessory building for a commercial office for the landscaping business, the business owner/property owner shall obtain any required home occupation approvals. [MCC 39.4305 Uses, MCC 39.4315(I), MCC 39.4320(D)]
  8. No mattress, murphy bed, cot or any other similar item designed to aid in sleep as a primary purpose may be placed in the accessory structure unless it is disassembled for storage. [MCC 39.4315(H)(5)]
- Note:** Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:
9. 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.
  10. 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.
  11. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-8236892 or e-mail [septic@portlandoregon.gov](mailto: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.
  12. 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.

## Exhibits

All exhibits are available for review in Case File T3-2024-0006 at <https://multco.us/info/19114-nw-sauvie-island-road>

Or by contacting case planner, Izze Liu, at 503-936-3868 or via email at [isabella.liu@multco.us](mailto:isabella.liu@multco.us).

## [C.4 - Staff Report](#) (509.09 KB)

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## Document

Case No. T3-2024-0006

[A.1 - Application](#) (140.48 KB)

Document

[A.2 - Narrative](#) (163.36 KB)

Document

[A.3 - Site Plans](#) (673.68 KB)

Document

[A.4 - Deed History](#) (6.16 MB)

Document

[A.5 - Floor Plans](#) (880.56 KB)

Document

[A.6 - Elevation Drawing](#) (235.65 KB)

Document

[A.7 - Stormwater Drainage Control Certificate](#) (2.58 MB)

Document

[A.8 - Exterior Lighting](#) (976.22 KB)

Document

[A.9 - Fire Service Agency Review](#) (2.01 MB)

Document

[A.10 - Septic Review Certification](#) (4.26 MB)

Document

[A.11 - Transportation Planning Review](#) (170.55 KB)

Document

[A.12 - Copy of Covenant \(blank\)](#) (468.28 KB)

Document

[A.13 - Revised Narrative 11.25.2024](#) (251.72 KB)



Document

[B.1 - DART Assessor Map 2N1W17B -00100](#) (64.22 KB)

Document

[B.2 - DART Property Detail 2N1W17B -00100](#) (774.06 KB)

Document

[B.3 - 1962 Zoning Map](#) (1.28 MB)

Document

[B.4 - 1968-5-21 Zoning Ordinance 100 as amended](#) (2.23 MB)

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Document

[C.1 - Incomplete Letter](#) (270.68 KB)

Document

[C.2 - Applicant Incomplete Response 11.24.2024](#) (174.56 KB)

Document

[C.3 - Hearing Notice](#) (1.45 MB)

Document

[C.4 - Staff Report](#) (509.09 KB)

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Document

[D.1 - M. Greenfield Comment 07.07.2025](#) (820.97 KB)

Document

[D.2 - C. Reid Comment 07.08.2025](#) (603.53 KB)