

## 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 **T3-2024-0007**. The decision is effective on being mailed, and the mailing date is **August 4, 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).

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## DECISION OF THE HEARINGS OFFICER

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### **Application for a Community Service Condition Use, Variance, Design Review, Lot of Record Verification a Lot of Record Determination**

**Case File:** T3-2024-0007

**Applicant:** Peter Finley Fry

**Property  
Owner(s):** Corbet Fire #14

**Address:** 31727 E Hist Columbia River Hwy, Troutdale Property ID # R322491 Map, Tax lot: 1N4E32D  
-01800 Alt. Acct. # R944320140

**Base Zone:** Springdale Rural Center (SRC)

**Overlay** Significant Environmental Concern for Streams (SEC-s)

**Site Size:** 0.47 acres

**Public  
Hearing:** The hearing was opened at 10:30 p.m. on July 11, 2025. The hearings were held virtually.  
The hearing concluded at 11:35 p.m. and was continued until July 25, 2025, at 10:30 to  
address storm water issues. That hearing concluded at 10:50 am and the record was closed.

**Testified  
at the  
Hearing:**

Rithy Khut, Planner, Peter Fry, Dave Flood and Rick Wunsch and Ty Wyman, all representing the applicant,

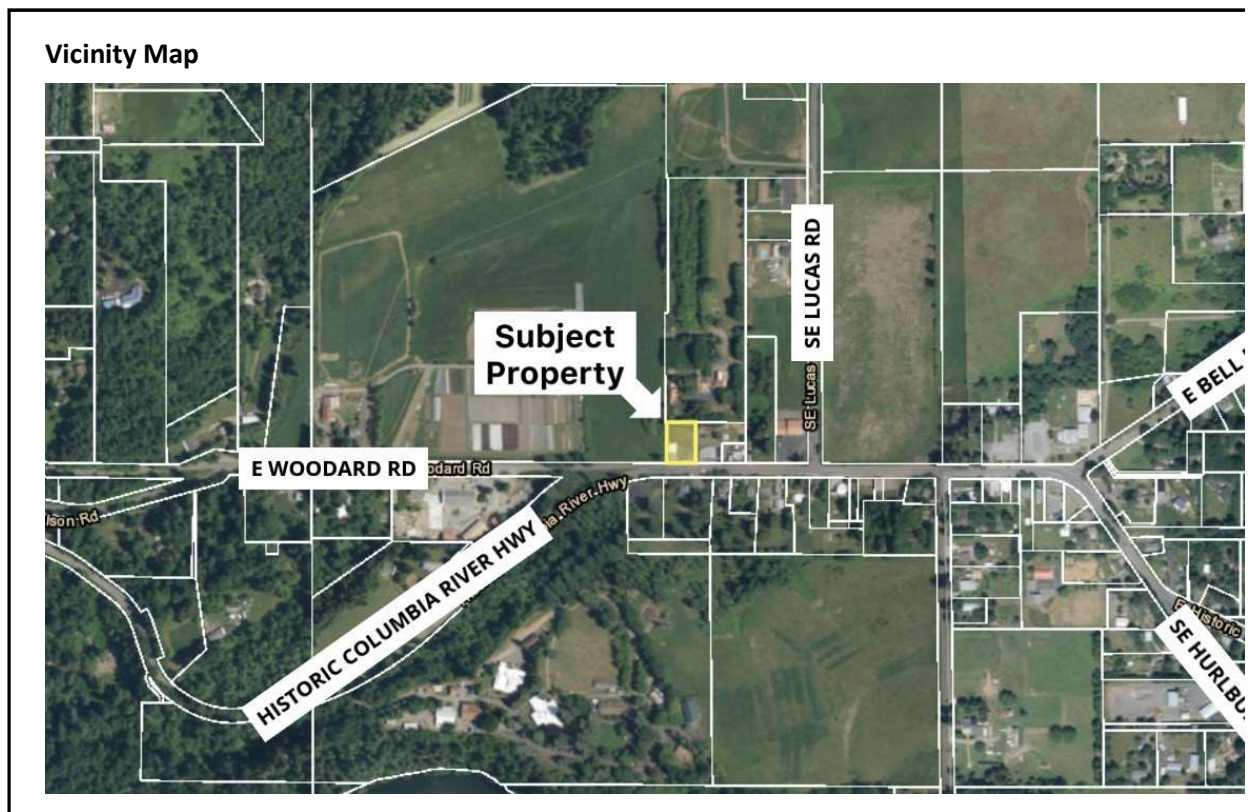
**Post  
Hearing  
procedure**

As described above, the hearing was continued until July 25, 2025 after which the record was closed.

**Summary:**

Request for a Community Service Conditional Use, Variance, Design Review, and Significant Environmental Concern Review (SEC-s) permits for a Fire Station. The use includes two buildings, accessory structures (generator, propane tank, fencing, gate, retaining walls, stormwater drainage control system); Off-Street Parking and Loading areas; and landscaping. Additionally, a request for a Lot of Record Verification for the property identified below. 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.

**Site  
Description**



**DECISION:** The Hearings Officer finds that the applications for a Community Service Condition Use, Variance, Design Review, and Lot of Record Verification, as conditioned, meets all criteria and are hereby approved.

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

**Dated** this 30th 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 hearings on July 11 and July 25th, 2025.

2. Rithy Khut, Planning Services summarized the Staff Report and the applicable approval criteria. Mr. Khut found that, as conditioned that applicant met all criteria. Mr. Khut addressed concerns raised by Mr. Terry Cook and found that the testimony was not relevant as it addressed the neighboring property.

3. The applicant, Mr. Fry testified that the proposal met all criteria but was concerned that the conditions of approval for the storm water would be extremely costly and unnecessary based on the existing conditions on the property including a very shallow water table.

4. Mr. Dave Flood, Project Manager, testified that the facility was needed in the area to address safety concerns and a bond had been passed by the residents for its construction. Mr. Rick Wunsch, Fire Marshall, also testified that it was a very small project with one engine bay and kitchen and ADA bathroom. The impact would be minimal and the storm water could go into a County owned ditch along County Road and then into the stream. The proposed conditions would cost \$400,000 and not be feasible because of the high-water table.

5. Mr. Wyman filed a lengthy memorandum describing the use as a pre-existing non-conforming use. I commented that if I had to address that issue, it would likely be a new application requiring new notice and a continuance. I asked staff to consider testimony regarding the problems and wondered if applicant could provide some testimony from its experts on whether a different plan could meet the criteria.

6. Mr. Fry and Mr. Wyman believed new information could be provided that would demonstrate that the application could comply with the storm water criteria and staff was open to reviewing such information. I continued the hearing until July 25, 2024.

7. At the continued hearing, the applicant provided additional information and staff had revised its staff report. Mr. Khut testified that the new information supports revised conditions of approval, and with those conditions agreed that the application could be approved. Mr. Khut agreed to submit revised conditions of approval that reflected his finding in the staff report by the end of the day. The Applicant agreed to this process. The Applicant also requested that I find the submittals regarding the non-conforming use to be moot.

8. The applicant expressed concerns regarding the difficulty in obtaining a letter from the Oregon Department of Fish and Wildlife for the ground disturbing work. Staff explained that it was

only for the very specifically defined “ground disturbing” work and not all work. Also, it was only needed outside of the specified time and that staff has not experienced any difficulty with applicants receiving such letters. With these assurances, the applicant withdrew the objection to that specific language in the condition.

## **B. HEARINGS OFFICER FINDINGS**

I find that the application the applications for a Community Service Condition Use, Variance, Design Review, and a Lot of Record Verification, as conditioned, meets all criteria and are hereby approved. As findings, I adopt the staff report, revised staff report and the post-hearing 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 including revised condition 5.a, 5.b and 6.b below as found in the staff report of July 22, 2025, Exhibit I.3 and the post hearing staff report dated July 25, 2025, Exhibit J.1. Such conditions are repeated here. I find that the testimony regarding a non-conforming use determination is moot.

## **C. CONDITIONS OF APPROVAL**

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 new Fire Station building. ii. For purposes of 1.b, 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 [LUPsubmittals@multco.us](mailto:LUPsubmittals@multco.us) with the case no. T3-2024-0007 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 new Fire Station building and compliance with all conditions of approval in the land use approval.
    - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to [LUPsubmittals@multco.us](mailto:LUPsubmittals@multco.us) with the case no. T3-2024-0007 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. Record the Hearing's Officer Decision and Exhibit A.5, A.7 – Appendix H, and A.16 of the Staff Report 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]

c. Record a covenant with the County Recorder that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 and that 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 39.7515(C)]

d. Prepare a Mitigation Plan drafted by a licensed landscape architect or someone who has educational background in riparian biology, wildlife biology, ecology or of similar educational and vocational training. Utilizing their educational and vocational training, the Mitigation Plan shall demonstrate enhancement of the upland riparian area on the property within the Stream Conservation Area as shown in Exhibit B.13 that does not contain a building, structure, pavement, or gravel. Enhancement of the upland riparian area shall be based on the pre-development state of the property prior to any development occurring on the property. [MCC 39.5750(D)]

e. Demonstrate compliance with the County's Ground Disturbance regulations by obtaining either a Minimal Impact Project (MIP) permit or an Erosion and Sediment Control (ESC) permit. [MCC 39.5750(E)(5)]

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

a. Submit a Letter of Acknowledgement, recorded Hearing's Officer Decision, and covenants, and other documents as required in Condition 3.a through 3.d. [MCC 39.1170(A) & (B)]

b. Submit a permit or other authorization demonstrating that the proposed Fire Station has been reviewed by the Oregon Department of Transportation (ODOT). Any proposed changes to the connection to the State Highway shall be shown prior to submitting building plans for Zoning Plan Review. [MCC 39.5750(E)(7) and MCC 39.8040(A)(5)]

c. Submit revised plans showing compliance with the Hearing's Officer Decision for approvals granted, all conditions of approval and required modifications. [MCC 39.8030]

i. Final design review plan shall contain the following, drawn to scale:

1. Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 39.8025, as appropriate;
2. Architectural drawings, indicating floor plans, sections, and elevations; and
3. Approved minor exceptions from yard, parking, and sign requirements.

ii. The revised plan shall demonstrate compliance with the 10-foot side yard setback for the propane tanks and the generator [MCC 39.4575(C)]

iii. The revised plan shall contain a new structure elevation plan showing the height of the generator and propane tank; demonstrating compliance with the 35-foot maximum. [MCC 39.4375(C)]

iv. The revised plan shall contain a Lighting Plan including cut sheets and specifications showing the location and details for all exterior lighting supporting the subject property. All exterior lighting shall be a fixture type that is fully shielded with opaque materials and directed downwards. [MCC 39.4575(I), MCC 39.5750(E)(3), MCC 39.6850, Comprehensive Plan Policy 5.43]

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.

d. Submit the Mitigation Plan as required in Condition 3.d. [MCC 39.5750(D)]

**5. Prior to and during construction,**

a. Not conduct ground disturbing activity within a Stream Conservation Area between September 16 through June 14 of any given year, unless modification of the timing of ground disturbing activities is approved by the Oregon Department of Fish & Wildlife (ODFW). Written support from ODFW shall be sent to LUP-submittals@multco.us with the case no. T3-2024-0007 referenced in the subject line. Permanent soil stabilization measures must be in place by October 15 of any given year. [MCC 39.1170(A) & (B) and MCC 39.5750(E)(6)]



- b. Construct the storm water drainage control system described and shown in Exhibit I.1 and I.2. [MCC 39.4575(F), MCC 39.4590(B), MCC 39.5750(E)(2), MCC 39.6570(D), MCC39.8040(A)(6)]
- c. Stop work and halt construction if Native American artifacts and other cultural resources or deposits are found. 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. [Comprehensive Plan Policy 6.4]
- d. Revegetate any disturbed areas not containing a building, structure, paving, or gravel using native plants found in the latest edition of the Metro Plant List. [MCC 39.5750(F)(2)]

6. **As an on-going condition**, the property owner(s) shall:

- a. Be limited in the use of the Fire Station as an un-staffed facility for firefighters. The use of the site shall be limited to activities necessary to carry out emergency response functions, as determined by the Fire District, on an as-needed basis. The use of either of the buildings as a dwelling unit is not permitted [MCC 39.7515(A) and (F)]
- b. Maintain the stormwater drainage control system for the life of the Fire Station use in compliance with Exhibit I.1 and I.2. [MCC 39.4575(F), MCC 39.4590(B), MCC 39.5750(E)(2), MCC 39.6570(D), MCC 39.8040(A)(6)]
- c. Place, shade, or screen all exterior lighting associated with a proposed development to avoid shining directly into a Stream Conservation Area. The exterior lighting must also be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4575(I), MCC 39.5750(E)(3), MCC 39.6850, Comprehensive Plan Policy 5.43]
- d. Maintain the cleared areas of the property so those areas free of nuisance plants listed in Table 1. The planting of any invasive non-native or noxious vegetation as listed in MCC 39.5580 Table 1, in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, or in the latest edition of the State of Oregon Noxious Weed List is prohibited. [MCC 39.5750(F)(1)]
- e. Provide for and maintain all off-street parking facilities without charge or other considerations to users. [MCC 39.6510, MCC 39.6520(A)]
- f. Not park trucks, equipment, materials, structures, signs, or conduct any Fire Station activities in any required parking space. [MCC 39.6520(A)]
- g. Not store hazardous materials as determined by DEQ in outside storage areas unless such storage is contained and approved as part of a new application request. [MCC 39.5750(F)(3), MCC 39.7515(F)]

## Exhibits

All exhibits are available for review at <https://multco.us/info/31727-e-hist-columbia-river-hwy>, or by sending a request to [LUP-comments@multco.us](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	10/24/2024
A.2	1	Letter of Authorization	10/24/2024
A.3	10	Narrative	10/24/2024
A.4	1	Site Plan (reduced to 8.5" x 11")	10/24/2024
A.5*	8	Plans <ul style="list-style-type: none"> <li>▪ Sheet 001 – Cover</li> <li>▪ Sheet 002 – Narrative</li> <li>▪ Sheet 003 – Site Plan</li> <li>▪ Sheet 004 – Floor Plan</li> <li>▪ Sheet 005 – Roof Plan</li> <li>▪ Sheet 006 – Ext. Elevations</li> <li>▪ Sheet 007 – Ext. Elevations</li> <li>▪ Sheet 008 – Building Section</li> </ul>	10/24/2024
A.6	8	Civil and Erosion Control Plans <ul style="list-style-type: none"> <li>▪ Sheet C1.00 – General Notes</li> <li>▪ Sheet C1.01 – Existing Conditions</li> <li>▪ Sheet C1.02 – Demolition Plan</li> <li>▪ Sheet C2.00 – Site Plan</li> <li>▪ Sheet C3.00 – Grading Plan</li> <li>▪ Sheet C4.00 – Utility Plan</li> <li>▪ Sheet C5.00 – Details</li> <li>▪ Sheet C6.00 – Erosion Control Plan and Details</li> </ul>	10/24/2024

A.7*	55	<p>Stormwater Report prepared by Evan Eykelbosch, PE</p> <ul style="list-style-type: none"> <li>▪ Appendix A: Vicinity Map</li> <li>▪ Appendix B: Basin Map</li> <li>▪ Appendix C: Assumptions</li> <li>▪ Appendix D: Water Quality Treatment</li> <li>▪ Appendix E: Detention System Sizing Calculations</li> <li>▪ Appendix F: Conveyance Calculations</li> <li>▪ Appendix G: Geotechnical Report</li> <li>▪ *Appendix H: Utility Plan / Details</li> <li>▪ Appendix I: Operations and Maintenance</li> </ul>	10/24/2024
A.8	2	Fire Service Provider Review	10/24/2024
A.9	1	Water Service Certification	10/24/2024
A.10	13	Pre-Application Meeting Notes, PA-2024-0002	10/24/2024
A.11	1	Email from Applicant requesting the Application be deemed complete	03/25/2025
A.12	2	Letter in Response to Incomplete Items	03/25/2025
A.13	6	Septic Review Certification	03/25/2025
A.14	1	Lot Confirmation Narrative	03/25/2025
A.15	1	Warranty Deed recorded in Book 906, Page 1072 on January 25, 1973	03/25/2025
A.16*	8	<p>Revised Civil and Erosion Control Plans</p> <ul style="list-style-type: none"> <li>▪ Sheet C1.00 – General Notes</li> <li>▪ Sheet C1.01 – Existing Conditions</li> <li>▪ Sheet C1.02 – Demolition Plan</li> <li>▪ Sheet C2.00 – Site Plan</li> <li>▪ Sheet C3.00 – Grading Plan</li> <li>▪ Sheet C4.00 – Utility Plan</li> <li>▪ Sheet C5.00 – Details</li> <li>▪ Sheet C6.00 – Erosion Control Plan and Details</li> </ul>	03/25/2025

A.17	1	Email amending the Application to add a Variance	06/25/2025
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1N4E32D - 01800 (Alt Acct #R944320140 / Property ID #R322491)	10/24/2024
B.2	1	Current Tax Map for 1N4E32D	10/24/2024
B.3	1	Aerial Photo taken on April 22, 2025	06/12/2025
B.4	1	Sectional Zoning Map 656 showing the zoning prior to October 5, 1977	06/12/2025
B.5	17	Zoning Code adopted on May 21, 1968 – 4.00 Commercial Districts	06/12/2025
B.6	3	Parcel Record – Cartographic Unit Card for 1N4E32D -01800	06/12/2025
B.7	3	ODOT Pre-Application Response #13130 prepared on May 13, 2024	06/12/2025
B.8	1	Land Use Survey for 1N4E29-32 completed in 1986	06/12/2025
B.9	3	Google Streetview Image taken on July 2023	06/12/2025
B.10	1	Big Game Winter Habitat Map adopted in the Comprehensive Plan on February 20, 1990	06/17/2025
B.11	1	Email from ODOT regarding ROW width requirements	06/18/2025
B.12	1	Significant Environmental Concern for Streams (SEC-s) – Stream Conservation Area	06/18/2025
B.13	1	Significant Environmental Concern for Streams (SEC-s) – Stream Conservation Area: Location of Mitigation	06/18/2025
B.14	1	Multnomah County Permit Number MC-455	06/26/2025
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	7	Incomplete letter	11/20/2024
C.2	1	Applicant’s acceptance of 180-day clock	11/20/2024
C.3	1	Email discussing missing payment of fees	12/16/2024

C.4	3	Complete letter (day 1)	03/25/2025
C.5	10	Hearing Notice	06/20/2025
C.6	42	Staff Report	07/01/2025
<b>‘D’</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	3	Comments from Melissa Gonzalez-Gabriel on behalf of Oregon Department of Transportation (ODOT)	06/26/2025
<b>‘G’</b>	<b>#</b>	<b>Comments provided prior to Hearing</b>	<b>Date</b>
G.1	11	Applicant Conditional Use Narrative	07/02/2025
G.2	8	Revised Civil and Erosion Control Plans <ul style="list-style-type: none"> <li>▪ Sheet C1.00 – General Notes</li> <li>▪ Sheet C1.01 – Existing Conditions</li> <li>▪ Sheet C1.02 – Demolition Plan</li> <li>▪ Sheet C2.00 – Site Plan</li> <li>▪ Sheet C3.00 – Grading Plan</li> <li>▪ Sheet C4.00 – Utility Plan</li> <li>▪ Sheet C5.00 – Details</li> <li>▪ Sheet C6.00 – Erosion Control Plan and Details</li> </ul>	07/02/2025
G.1	3	Comments from Terry Cook	07/03/2025
<b>‘H’</b>	<b>#</b>	<b>Hearing Exhibits</b>	<b>Date</b>
H.1	5	Memorandum	07/11/2025
H.2	17	Attachment A - Notice of Decision for land use case no. T2-2024-0083	07/11/2025
H.3	3	Attachment B - Peter Fry Memo	07/11/2025
H.4	2	Attachment C - Declaration of Rick Wunsch	07/11/2025
H.5	1	Attachment D - Corbett Fire District No 14 General Obligation Bond Authorization_MUL041-1	07/11/2025
<b>‘I’</b>	<b>#</b>	<b>Prior to Continuance Hearing Exhibits</b>	<b>Date</b>

I.1	35	Stormwater Report prepared by Evan Eykelbosch, PE <ul style="list-style-type: none"> <li>▪ Appendix A: Vicinity Map</li> <li>▪ Appendix B: Basin Map</li> <li>▪ Appendix C: Assumptions</li> <li>▪ Appendix D: Geotechnical Report</li> <li>▪ Appendix F: Utility Plan / Details</li> <li>▪ Appendix G: Operations and Maintenance</li> </ul>	07/17/2025
I.2	1	Stormwater Plans - Sheet C2.00 – Site Plan	07/17/2025
I.3	3	Staff Hearing Continuance Memorandum	07/22/2025
<b>‘J’</b>	<b>#</b>	<b>Post Continuance Hearing Exhibits</b>	<b>Date</b>
J.1	1	Staff Post Hearing Continuance Memorandum	07/25/2025