

NOTICE OF DECISION

Case File: T2-2021-14902

Permit: Lot of Record Verification and Accessory Use Determination

Applicant: Jeff Joslin **Owner:** Jeff Joslin

Location: **Address:** 14700 NW Gillihan Road, Portland **Map, Tax Lot:** 2N1W27 -00400
Alternate Account #: R971270010 **Property ID #:** R325209

Base Zone: Exclusive Farm Use (EFU) & Multiple Use Agriculture – 20 (MUA-20)

Overlays: Willamette River Greenway (WRG)

Proposal Summary: The applicant requests a Lot of Record Verification to determine if the subject property met all applicable zoning and land division regulations at the time of creation. The applicant also requests an Accessory Use Determination to potentially authorize features within the proposed new shop building that are not listed in the Allowed Use provisions.

Determination: **Lot of Record Verification:** The subject property (2N1W27 -00400) is a Lot of Record in its current configuration.
Accessory Use Determination: The requested features specifically outlined in this decision are approved for the proposed new shop building.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, March 15, 2022 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting Chris Liu, Staff Planner via email at chris.liu@multco.us. Copies of all documents are available at the rate of \$0.40/per page.

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at (503) 988-3043. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

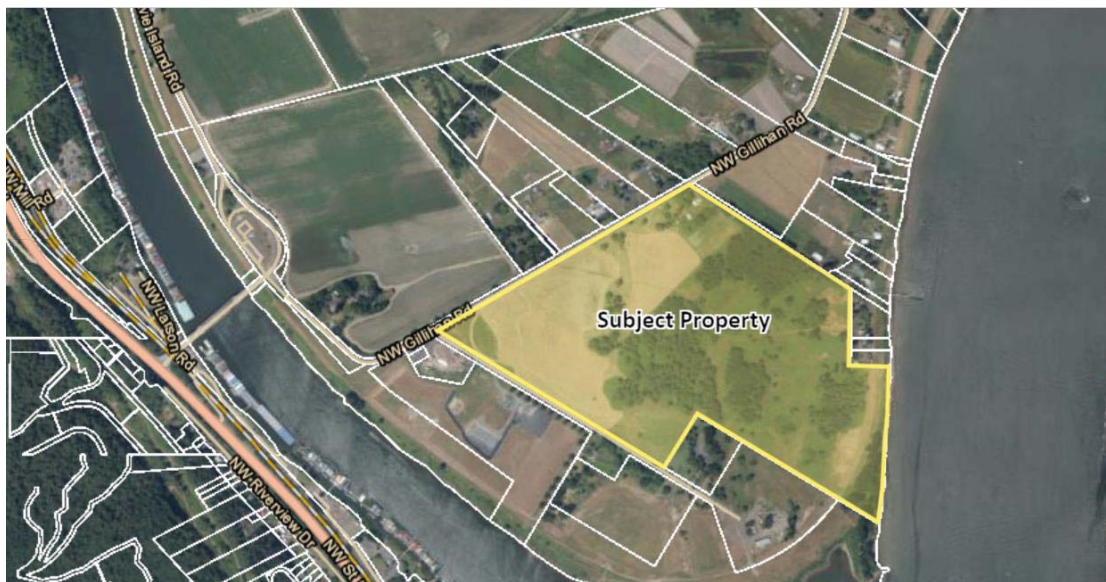
Issued by: _____

By: Chris Liu, Planner

For: Carol Johnson, AICP
Planning Director

Date: Tuesday, March 01, 2022

N↑



General Provisions: MCC 39.1515 Code Compliance and Applications; MCC 39.4245 Dimensional Requirements and Development Standards – (C), (D), (F), (H); MCC 39.6850 Dark Sky Lighting Standards.

Lot of Record: MCC 39.3005 Lot of Record – Generally; MCC 39.3070 Lot of Record – EFU; and MCC 39.3080 Lot of Record – MUA-20.

Accessory Use Determination: MCC 39.4220 Allowed Uses – (O) Accessory Structures; MCC 39.4225 Review Uses – (O) Accessory Structures.

Copies of the referenced Multnomah County Code sections are available by contacting our office or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: **Chapter 39 - Zoning Code**

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. 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.

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 structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
 - ii. For purposes of Condition 1.a.i, notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
- 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 Condition 1.b.i, 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 land.use.planning@multco.us. [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. Prior to land use sign-off for building plan check, the property owners or their representative shall:
 - a. The property owners shall 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 sent to Chris Liu at chris.liu@multco.us. [MCC 39.1170(A) & (B)]
 - b. Record a covenant with the County Recorder that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 39.4225(O)(7) and MCC 39.8860]
- 3. At the time of land use sign-off for building plan check, the property owner or their representative shall:
 - a. Demonstrate compliance with the County's Ground Disturbance regulations listed in MCC 39.6210 through MCC 39.6225, as appropriate to the amount of ground disturbance proposed.
- 4. As an on-going condition:
 - a. The Accessory Structure [shop building] 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 unit. [MCC 39.4225(O)(1)]

- b. The Accessory Structure [shop building] shall not contain 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. [MCC 39.4225(O)(5)]
- c. Stormwater shall be directed south or west of the new shop building in order to comply with the requirements of the Septic Review Certification (Exhibit A.3). [MCC 39.4245(F)]
- d. Prior to installation, any future proposed exterior lighting shall be submitted to the Land Use Planning office for verification of compliance with the Dark Sky Lighting Standards. [MCC 39.6850]

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off by land use planning, the applicant shall 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 land use sign-off for building plan check...” Be ready to demonstrate compliance with the conditions.
- 2. 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 how to complete the Septic Evaluation or Permit 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.
- 3. Visit <https://www.multco.us/landuse/submitting-building-plan> for current instructions regarding submitting your building plans for zoning review. Please ensure that any items required under, “At the time of land use sign-off for building plan check...” are ready for land use planning review. The Multnomah County Land Use Planning Division must sign off on the plans and authorize the building permit before you can go to the Building Department.

The above must be completed before the applicant can obtain building permits from the City of Portland. At the time of building permit review, Land Use Planning may collect additional fees, including an erosion control inspection fee, if applicable.

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 to determine if the subject property met all applicable zoning and land division regulations at the time of creation. The applicant also requests an Accessory Use Determination to potentially authorize features within the proposed new shop building that are not listed in the Allowed Use provisions. The new shop building would be used as a personal woodshop, personal glass blowing, and for other personal storage. Although a portion of the property falls within the Willamette River Greenway (WRG) overlay, the code does not consider the proposal an intensification of use. Therefore, a WRG permit is not required.

2.0 Property Description:

Staff: The Exclusive Farm Use (EFU) and Multiple Use Agriculture – 20 (MUA-20) zoned subject property is located on Sauvie Island in west unincorporated Multnomah County, outside of the metro Urban Growth Boundary. Adjacent properties serve various uses including rural residences and agricultural activities. County Tax Records list the following improvements for the property: a single-family dwelling, shed, barn, and pumphouse.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 as (Exhibit C.4). Staff received public comment during the 14-day comment period.

3.1 Mark Greenfield, property owner located at 14745 NW Gillihan Road, provided an e-mail on Thursday, December 23, 2021 (Exhibit D.1)

Greenfield notes that they have no objections to the proposal, as long as the shop building cannot be used for any residential purpose (including bed and breakfast or short term rental). Greenfield requested a condition specific to such restrictions be included in the decision.

Staff: A condition of approval requires the recording of a covenant prohibiting the use of the accessory structure (shop building) for residential purposes. MCC 39.4225(O)(7) and 39.8860. require the property owner to record the aforementioned covenant.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1515 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 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.

* * *

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.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, 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. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, staff is not aware of any open compliance cases on 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 MCC 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.

(a) “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.

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

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. 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**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**

* * *

Staff: As shown in Image #1 below, the subject property is split-zoned, with a majority of the property zoned Exclusive Farm Use (EFU) [shaded in brown] and a portion of the property zoned Multiple Use Agriculture – 20 (MUA-20) [shaded in cream] .



Image #1 – Current Zoning Map

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 EFU and MUA-20 zoning districts. 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. The Lot of Record standards set forth in the EFU district establish additional requirements unique to the district, which are evaluated in sections 5.2 – 5.3 of this decision. The findings below analyze whether the Lot of Record provisions in section (B) have been met.

Zoning Regulations

The applicant provided a chain of title, which includes deeds dating back to 1977 (Exhibit A.11) to support the Lot of Record request. The earliest deed provided that contains a legal

description matching the current configuration of the subject property, was recorded in 1989 (Exhibit A.11, pp. 4 - 6). In 1989, the subject property was zoned EFU per historical County zoning maps (Exhibits B.3 and B.4).

The EFU zone had a minimum lot size of 76.0 acres for properties on Sauvie Island, a minimum front lot line length of 50 feet, and was required to abut a public street or have other access determined to be safe and convenient for pedestrians and for passengers and emergency vehicles (Exhibit B.5).

The subject property is 119.94 acres, abuts NW Gillihan Road (a public street), and has a front lot line length greater than 50 ft. (Exhibit B.2). The applicant provided a current deed for the subject property (Exhibit A.10) that contains a legal description that matches the 1989 legal description (Exhibit A.11, p. 4 - 6).

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

Land Division Regulations

In January 1981, the County revised the subdivision regulations of Multnomah County Code (MCC) Ch. 11.45 (Exhibit B.6). As the current configuration of the subject property resulted in 1985 following a lot line adjustment, the January 1981 version of MCC 11.45 serves as the applicable land division regulations for this analysis. MCC 11.45.030 Scope stated that, “*This chapter shall apply to the subdivision and partitioning of all land within the unincorporated area of Multnomah County*”.

MCC 11.45.010 Definitions stated that a ‘Partition’ meant, “Either an act of *partitioning land* or an area or tract of land partitioned as defined in this chapter”. MCC 11.45.010 further stated that ‘Partition land’ meant, “To divide an area or tract of land into two or three parcels within a calendar year...and “*partition land*” does not include any adjustment of a lot line by the relocation of a common boundary line where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by Ordinance No.100...” (Exhibit B.6).

As described above, the current configuration of the subject property resulted from the relocation of a common boundary line (lot line adjustment) with an adjacent parcel in 1989. Given the fact that the subject property met the 76.0 acres minimum lot size for the EFU zone (Exhibit B.5), the lot line adjustment did not constitute an act of ‘partitioning land’ regulated by MCC 11.45. Through the recording of the 1989 deed containing the new legal description for the subject property, the applicable land division regulations in effect in 1989 were satisfied.

Based on the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1989.

5.2 MCC 39.3070 Lot of Record – EFU

(A) In addition to the standards in MCC 39.3005, for the purposes of the EFU district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

* * *

Staff: Myra Donnelly owned the subject property on February 20, 1990 per the chain of title included as Exhibit A.11. The applicant provided chain of titles for the contiguous properties (Exhibits A.12 – A.19), which do not show Myra Donnelly as the listed owner for any contiguous lots at that time. Therefore, the subject property is a single lot that was not contiguous to any other parcel or lot under the same ownership on February 20, 1990. *Criteria met.*

5.3 (B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

* * *

(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties. Ord. 236 & 238;

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 39.4260 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed 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) A Mortgage Lot.

(4) An area of land created by court decree

Staff: Section (B) is for information purposes. The subject property does not have any of the characteristics described in section (C). As discussed above in 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 tracts are not an area of land created by the foreclosure of a security interest or created by court decree. *Criteria met.*

5.4 MCC 39.3080 Lot of Record – 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:

(1) July 10, 1958, SR zone applied;

* * *

(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.

(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.

(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: Section (A) and (C) are for information purposes. The subject property does not have any of the characteristics listed section (B). As discussed above in 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 tracts are not an area of land created by the foreclosure of a security interest or created by court decree. *Criteria met.*

Based on the findings in 5.1 - 5.4 above, the subject property is a single Lot of Record.

6.0 Exclusive Farm Use (EFU) Zone Criteria:

6.1 MCC 39.4245 Dimensional Requirements and Development Standards

(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.

(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: According to the preliminary site plans (Exhibits A.22 – A.23), the proposed shop building is 200 ft. from the front property line adjacent to NW Gillihan Road and greater than 200 ft. from all other property lines. The proposed elevation drawings show that the shop building will be less than 30 ft. in height. A completed Transportation Review completed by County Transportation is included as Exhibit A.5. The review does not indicate the presence of insufficient right-of-way that would increase the yard requirements. *Criteria met.*

6.2 (F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.

(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 provided a stormwater certificate and supporting documents completed by Adam Zubker, PE (Exhibit A.2). Per the certificate, natural infiltration is adequate to ensure the rate of runoff from the lot for the 10-year 24-hour storm event is no greater than that before the development.

The applicant also provided a septic review certification completed by the County Sanitarian (Exhibit A.3). According to the certification, there were no concerns with the proposal, except that stormwater must be directed south or west of the new shop building. A condition of approval (Condition 4.c) ensures compliance with the Sanitarian’s requirements.

As conditioned, these criteria are met.

6.3 (H) All exterior lighting shall comply with MCC 39.6850.

MCC 39.6850 Dark Sky Lighting Standards

* * *

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted

above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

Staff: No exterior lighting is included in the preliminary plans (Exhibit A.24). Per the applicant's narrative, no exterior lighting is proposed at this time. As exterior lighting for the shop building, may be desired in the future, a condition of approval (Condition 4.d) ensures that any proposed exterior lighting is reviewed for compliance with the Dark Sky Lighting Standards (or similar current regulations) prior to installation. *As conditioned, these criteria can be met.*

7.0 Accessory Use Determination Criteria:

7.1 MCC 39.4220 Allowed Uses

* * *

(O) 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;

* * *

(n) Similar structures.

(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.

(3) The Accessory Structure may contain one sink.

(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.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

* * *

Staff: The proposal includes the use of a washer / dryer and utility sink to support the woodshop and glass blowing activities in the shop building (Exhibit A.25). Washer /dryer features are traditionally included in designing a building for use as a dwelling unit. No cooking facilities, second story, toilet(s), bathing facilities, or closets [built into a wall] are proposed. The combined footprints of all Accessory Buildings is approximately 2,404 sq. ft. (Exhibit A.23). As the proposal contains features that exceed the allowed use provisions described above, an Accessory Use Determination is necessary to consider the proposal through the Review Use provisions. *Criteria met.*

7.2 MCC 39.4225 Review Uses

* * *

(O) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the “accessory structures” standard in MCC 39.4220, Allowed Uses, but which meet the following provisions:

(1) 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 unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain 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.

Staff: According to the preliminary plans (Exhibits A.24 – A.25), the proposed shop building does not contain a bathing tub, any toilet or bathing facilities, cooking facilities, bed or similar item designed to aid in sleep as a primary purpose. There is no information contained in the preliminary plans that demonstrate the shop is designed as an accessory or similar dwelling unit. Conditions of approval in this decision (Conditions 4.a and 4.b) ensure compliance with the above criteria. Additionally, as described in section 7.4 below, the property owner is required to record a covenant (Condition 2.b) in the county records prohibiting the use of the shop building as a dwelling unit. *As conditioned, these criteria are met.*

7.3 (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

Staff: According to the preliminary layout for the shop building (Exhibit A.25, p. 1), a portion of the building will house two [personal] workshop areas. One workshop area for glass / metal and one for wood. The applicant notes that the spaces are separated as a safety measure, as heat-based processes are not ideal adjacent to wood-crafting activities. In the preliminary layout, the applicant shows the primary tools and clearances for a typical space for the proposed activities.

The applicant notes that layout and spacing for equipment is generally specific to the use and user of a shop. However, the applicant provided a summary outlining how they developed their preliminary layout.

Glass Shop: The applicant provided a specific list of tools and equipment that the glass workshop area will house (Exhibit A.25, p. 2). Tools will be coming from an existing shop, and pictures of the layout of the shop are included (Exhibit A.25, pp. 2 - 4). The proposed glass workshop area is similar in shape and configuration to the shop pictured; however, the proposed glass workshop area is smaller in overall footprint.

Wood Shop: The applicant provided a specific list of tools and equipment that the wood shop area will house (Exhibit A.25, p. 5). Per the applicant, the proposed layout provides the minimum dimensions necessary to maneuver material up to 12' in length through the various devices in the shop. Tool requirements and shop design knowledge were determined based on the applicant's lifetime working with wood in shops of various configurations (Exhibit A.25, p. 5).

To support the design, the applicant provided images of shops designed and scaled for comparable purposes, along with accompanying plans and dimensions (Exhibit A.25, p. 5 - 7). A series of links to web articles regarding shop layout, organization, sizing, and tool safety are included (Exhibit A.25, p. 7).

Because of the nature of glass work, the applicant proposes a washer / dryer to support the glass shop (Exhibit A.25). An essential part of the glass making process is keeping the devices and materials clean, which requires a large number of cloth materials that collect residue (Exhibit A.20, p. 9). The separate shop washer / dryer ensures that these materials do not mix with the residential washer / dryer for the house.

Based on the above, the applicant demonstrated that the proposed features described above are the minimum possible departure from the allowed use standards in order to establish the proposed use. *Criterion met.*

7.4 (7) Compliance with MCC 39.8860 is required.

Staff: A condition of approval (Condition 2.b) requires the property owner to record a covenant in the county records prohibiting the use of the shop building as a dwelling unit or other residential use. *As conditioned, the above criterion is met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination to establish a shop building in the EFU zone. The applicant has also carried the burden necessary for the Lot of Record Verification. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2021-14902 by contacting chris.liu@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	07.21.2021
A.2	5	Stormwater Drainage Control Certificate	07.21.2021
A.3	5	Septic Review Certification	07.21.2021
A.4	7	Fire Service Agency Review	07.21.2021
A.5	11	Transportation Planning Review	07.21.2021
A.6	4	Site Photos	07.21.2021
A.7	5	Historic USGS Topographic Surveys	07.21.2021
A.8	1	Copy of site plan for permit #36771	07.21.2021
A.9	5	Title Record	07.21.2021
A.10	5	Deed recorded as instrument no. 2009-032886	07.21.2021
A.11	18	Deeds to 1977 for Tax Lot 400	07.21.2021
A.12	15	Deeds for Tax Lot 1N1W27B -00100	07.21.2021
A.13	3	Deeds for Tax Lot 1N1W27B -00200	07.21.2021
A.14	5	Deeds for Tax Lot 1N1W27B -00500	07.21.2021
A.15	19	Deeds for Tax Lot 1N1W27B -00600	07.21.2021
A.16	13	Deeds for Tax Lot 1N1W27B -00700	07.21.2021
A.17	11	Deeds for Tax Lot 1N1W27B -01300	07.21.2021
A.18	10	Deeds for Tax Lot 1N1W27B -01400	07.21.2021
A.19	24	Deeds for Tax Lot 1N1W27B -01500	07.21.2021
A.20	13	Revised Applicant Narrative	09.23.2021
A.21	1	Revised Existing Conditions Plan – Sheet S-01	09.23.2021
A.22	1	Revised Property Overview – Sheet S-02	09.23.2021

A.23*	1	Revised Proposed Structure Location Plan – Sheet S-03	09.23.2021
A.24*	4	Revised Floor Plan & Elevations for proposed shop building	09.23.2021
A.25	7	Additional information responding to MCC 39.4225(O)	12.15.2021
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N1W27 - 00400 (Alt Acct # R971270010)	07.21.2021
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map for 2N1W27	07.21.2021
B.3	1	1980 zoning map for 2N1W27B	12.15.2021
B.4	1	1980 zoning map for 2N1W27C	12.15.2021
B.5	10	EFU Regulations from MCC 11.15 as adopted 03.23.1982	12.15.2021
B.6	44	MCC 11.45 as adopted January 1981	12.15.2021
B.7	4	Parcel Record Card for 2N1W27 -00400	12.15.2021
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete letter	08.17.2021
C.2	1	Applicant’s acceptance of 180 day clock	08.18.2021
C.3	1	Complete letter (day 1)	10.05.2021
C.4	9	Opportunity to Comment and mailing list	12.10.2021
C.5	16	Administrative Decision and mailing list	03.01.2022
‘D’	#	Comments	Date
D.1	1	Comments from Mark Greenfield	12.23.2021

SECTION, TOWNSHIP, RANGE: SEC. 27, T2N, R1W, WM

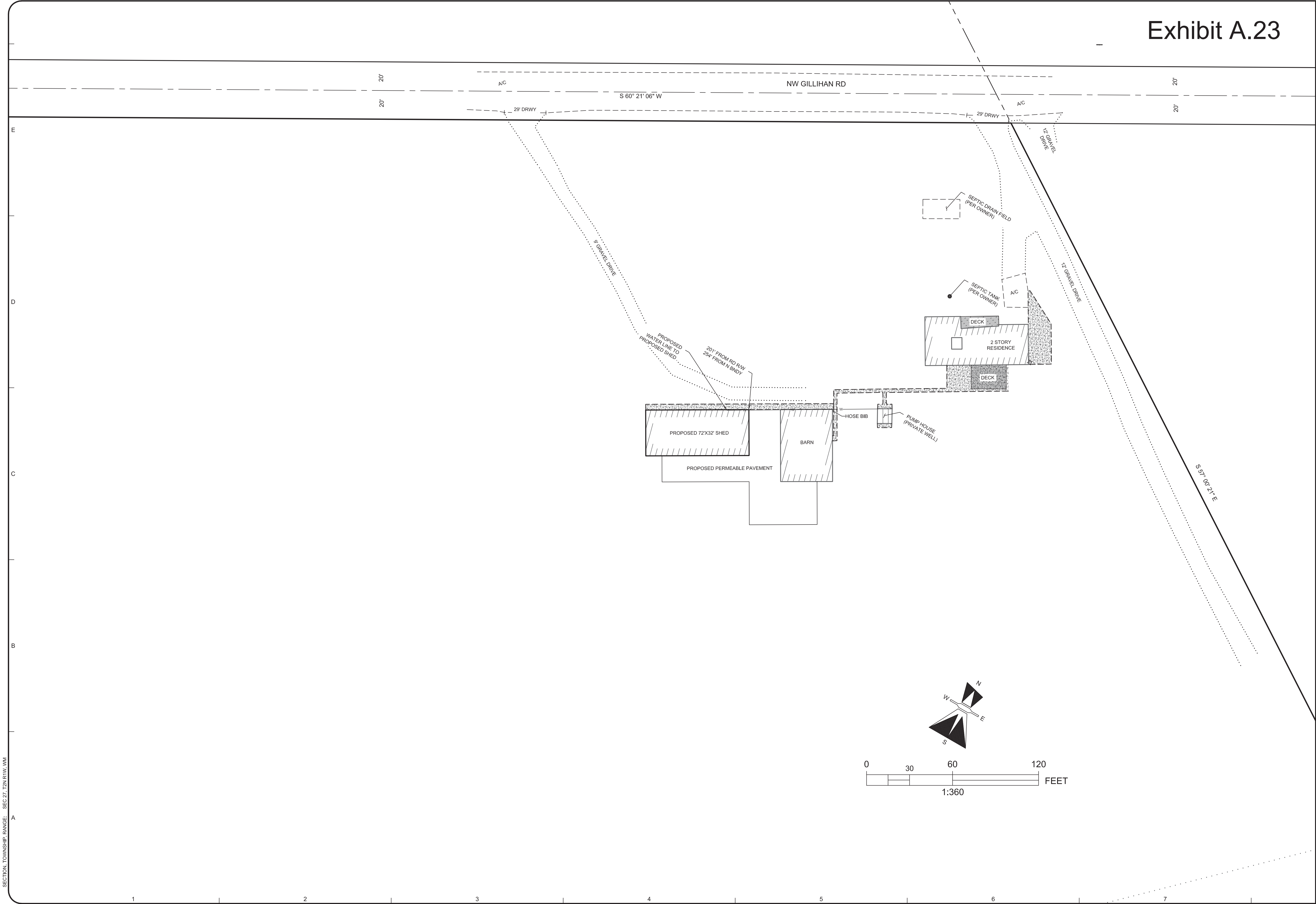



Exhibit A.23



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JEFF JOSLIN

SAUVIE ISLAND FARM

PROPOSED STURCTURE LOCATION

MULTNOMAH COUNTY

OREGON

SCALE: 1" = 30'
(50% @ 11"x17")

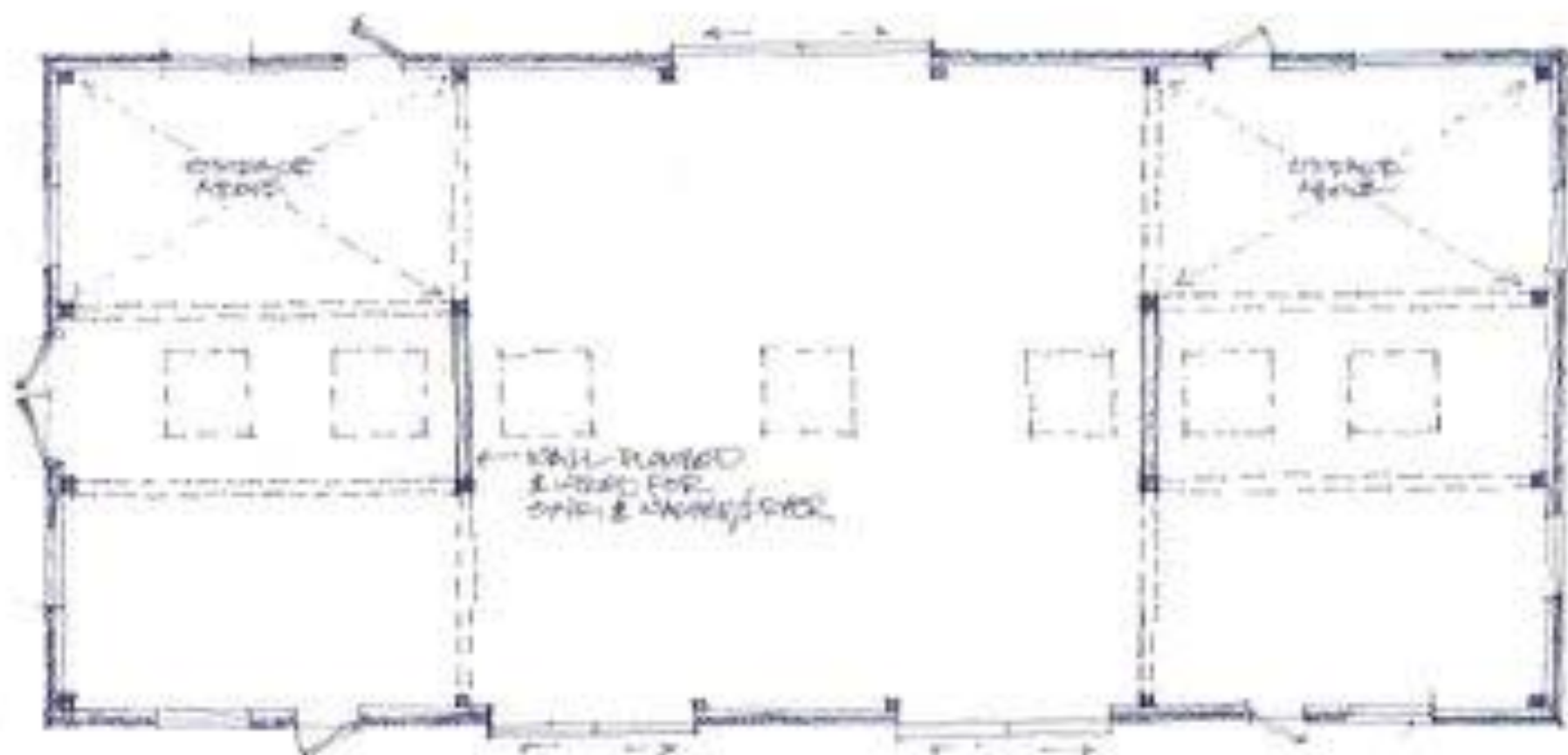
PROJECT NO.: 2021011

DRAWING FILE NAME: JOSLIN BASE.DWG

SURVEYED BY: JDP	REV 0 DATE: 05/20/2021
DRAWN BY: JDP	PLOT DATE: 9/22/2021
DATE	REVISION
06/01/21	JDP BLDG OFFSET, SEPTIC & SHEETS 2 & 3
06/09/21	JDP PROPOSED BLDG OFFSET
06/23/21	JDP ADDED PROPOSED H2O
09/22/21	JDP REVISED PROPOSED STRUCTURES

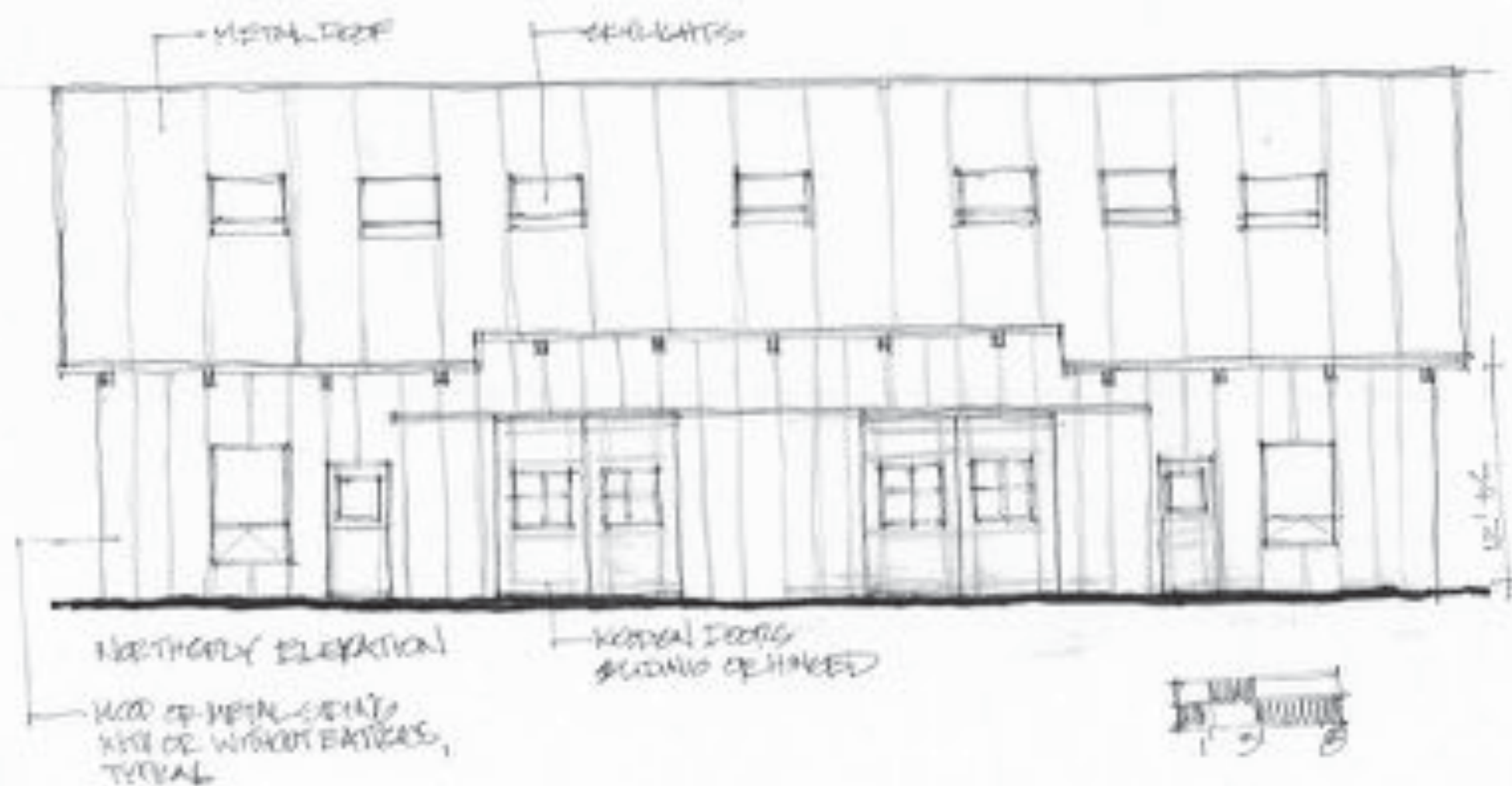
SHEET 3/3

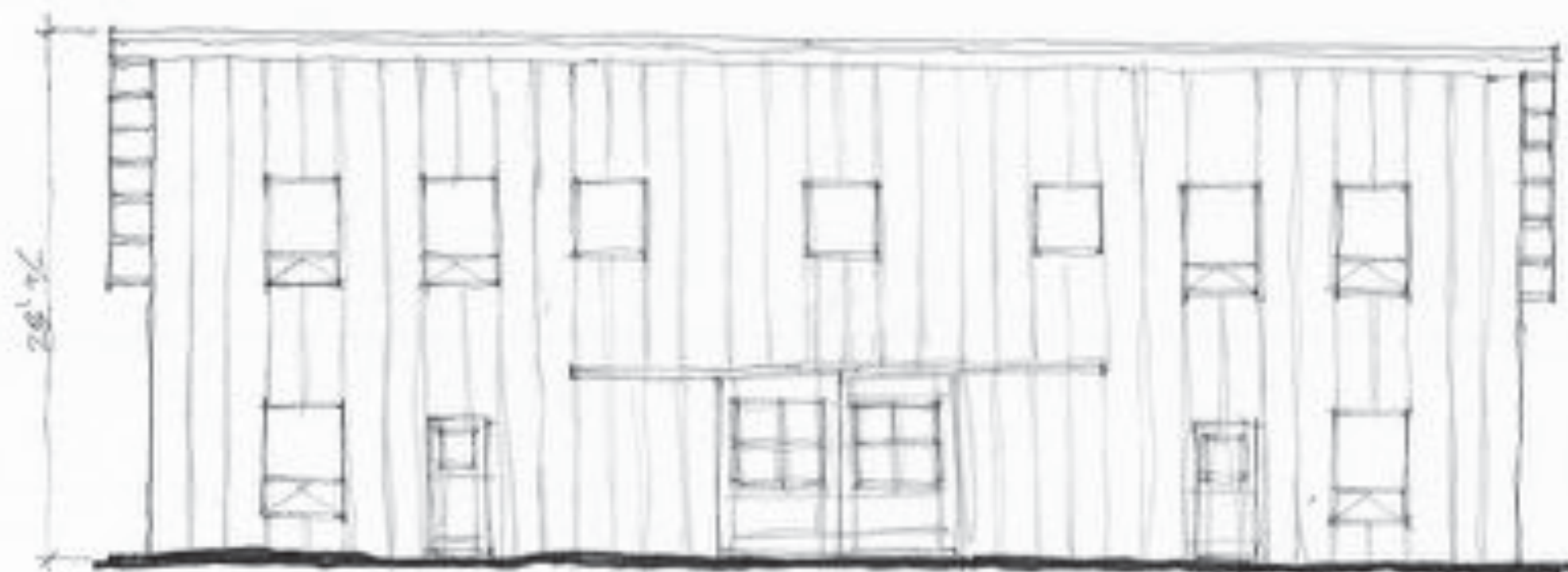
S-03



FLOOR PLAN - 52' x 72'







SOUTHERN ELEVATION





EASTERN ELEVATION



WESTERN ELEVATION

