



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

## 14 DAY OPPORTUNITY TO COMMENT

### Application for an Administrative Decision by the Planning Director for a Farm Stand

This notice serves as an invitation to comment on the application cited and described below.

**Case File:** T2-09-002

**Location:** 13741 NW Charlton Road  
Portland, OR 97231  
Tax Lot 01800, Section 16  
Township 02 N, Range 01 W, W.M.  
R971160020

**Applicants/  
Landowners:** Don and Sandra Kruger

**Proposal:** Application for an Administrative Decision by the Planning Director for a Farm Stand in the Exclusive Farm Use (EFU) zoning district. The applicant is proposing a project which includes: expansion of the operation and structure used for the farm stand retail operation, addition of a gazebo to be used for flower sales, and inclusion of promotional activities and sale of incidental items. Promotional activities and incidental sales include: weekly harvest festivals, farm weddings, bike races, birthday parties, picnics, group gatherings, corn maze and sale of non-farm goods (i.e. baskets, ice cream, snacks, etc.).

**Applicable Approval Criteria:** Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 34.0005 (Lot of Record), MCC 34.2625(H) (Farm Stands), MCC 34.2660 (Dimensional Requirements), MCC 34.2675 (Lot of Record), MCC 34.4100 through MCC 34.4215 (Off-Street Parking and Loading), MCC 34.7055(C)(3) through (7) (Landscaping of Parking Areas), Chapter 37 (Administration and Procedures). Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or by visiting our website at <http://www.co.multnomah.or.us/landuse>.

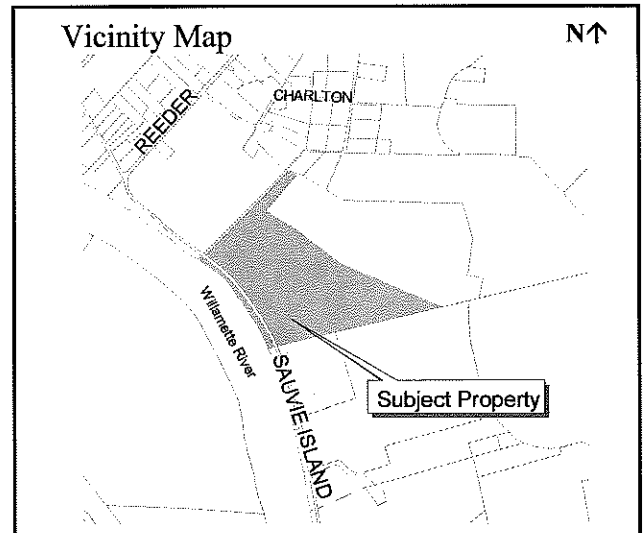
**Comment Period:** Written comments regarding this application will be accepted if received at the address above by **4:30 p.m., June 10, 2009**. Comments should be directed toward approval criteria applicable to the request. Application materials and other evidence relied upon are available for inspection at the Planning Division office at no cost. Copies of these materials may be purchased for 30-cents per page. For further information regarding this application, contact Joanna Valencia, Staff Planner at 503-988-3043 x 29637.

**Decision Making Process:** The Planning Director will render a decision on this application after the comment period expires. Notice of the Director's decision will be mailed to the applicant, parties within 750 feet of the subject property, and any other persons who submitted written comments during the comment period. The Planning Director's decision can be appealed. An explanation of the requirements for filing an appeal will be included in the notice of decision.

**Important Note:** Failure to raise an issue before the close of the public record in sufficient detail to afford the County and all parties an opportunity to respond may preclude appeal on that issue to the Land Use Board of Appeals.

#### 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.



## **SECTION 1: Project Narrative**

### **1. *Summary of Proposed Development***

Kruger's Farm is a 75 acre, working farm on Sauvie Island with associated farm-related development. The existing farm-related land and development consists of crop land, a farm stand for sales of farm products, agricultural buildings, a parking area, and a farm dwelling.

No development is proposed as part of this application. The current request is to allow a range of uses to occur on the farm. The County approved the farm stand in 1981, allowing for the retail use, construction of a building addition, and new parking area to accommodate it.

As can be expected, changes have occurred in the 28 years since the farm stand use was approved, both with regard to the farm-related activities and the affiliated farm stand. The site now hosts a greater share of "U-Pick" customers, that is, visitors who pick their own produce to purchase at the farm stand. Farm stand sales have increased as an overall portion of farm revenues. The Krugers, like many other farmers on Sauvie Island, promote the farm and its products through special events such as concerts, weddings, a corn maze, bike races, and child birthday parties. The purpose of these promotional activities is to increase sales of farm products and attract customers to the U-Pick and farm stand components of the site. This application is to allow these activities to continue with County approval, while limiting them to the sales restrictions in County code and state law.

### **2. *Land Use Actions Proposed***

This application requests an administrative decision from the Planning Director to allow a farm stand on the subject property. The proposed farm stand is a Review Use in the Exclusive Farm Use (EFU) zone, and is allowed provided the standards in Multnomah County code are met. The farm stand has been operating legally under a non-specific 1981 approval for a "produce stand." This application requests approval under current County regulations for the current level of development and uses.

This application is also an effort to resolve code compliance issues on the site. A complaint was filed alleging non-permitted commercial uses and non-permitted construction of structures (Case # UR-08-039). The applicant has entered into a Voluntary Compliance Agreement with the County. This application represents the next step in resolving the code issues on the property, by permitting all the uses and structures on the property. County staff has inquired about some of these structures and whether they were permitted. This application includes an inventory of buildings on the site and an existing conditions site plan. It also requests permits for any structures that actually requires one. Agricultural buildings not used by the public are exempt from building codes, per Oregon Revised Statutes 455.315.

### **3. Existing Conditions (2008)**

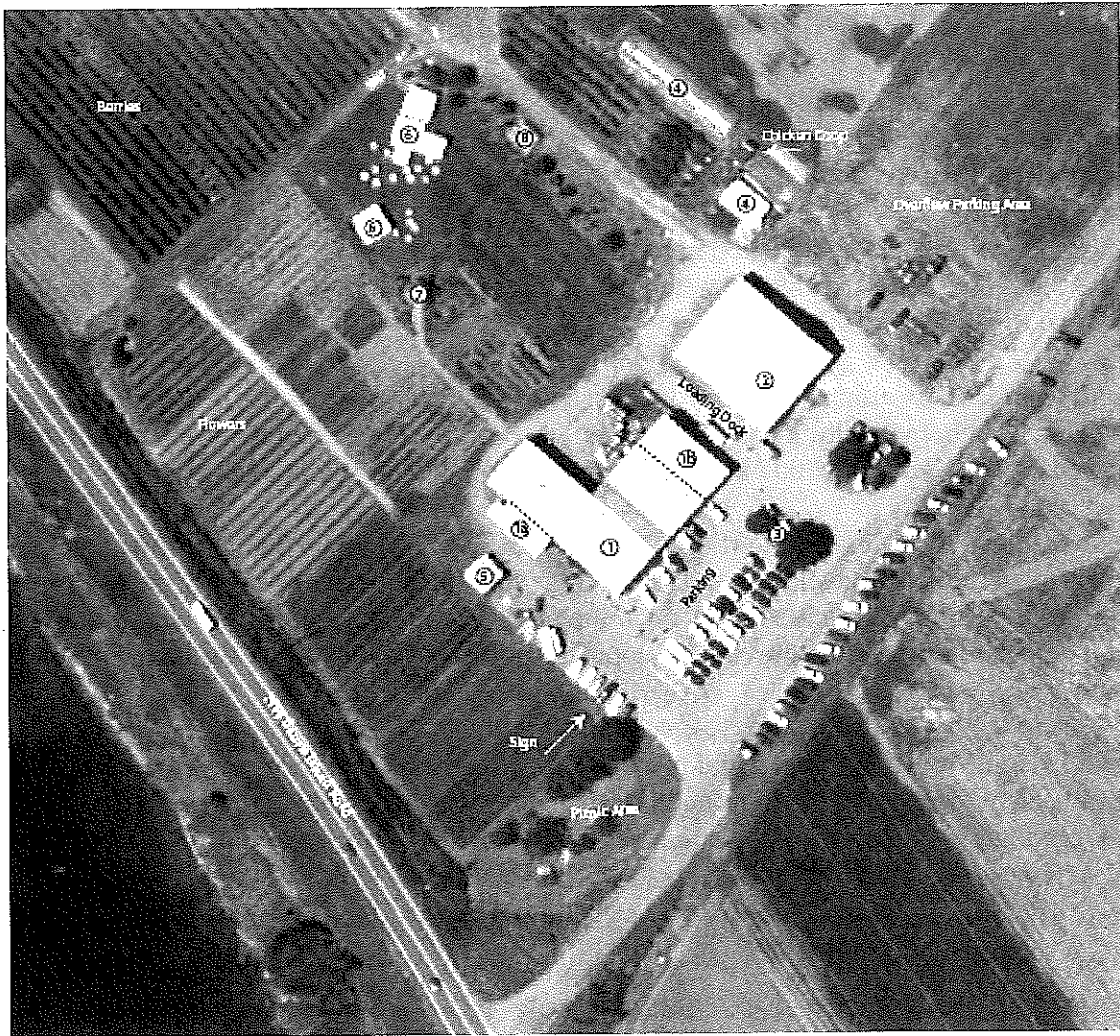
Kruger Farm is a 75 acre working farm on Sauvie Island in unincorporated Multnomah County. This property has been in farm use since at least 1946. Don and Sandra Kruger have farmed the property since January 2000.

The farm stand was first established in 1977 by Dennis Grande, the previous owner of the property, and the farm stand has operated continuously since that time. Don Kruger took over the farm stand operation in 2000.

A small farm help dwelling was moved to the east corner of the site on NW Charlton Road in 1946. This farm help dwelling has been occupied continuously since then. This dwelling was permitted by the County in 2007 as part of a property line adjustment.

An excerpt from the full site plan (See attached Exhibit A) is shown on the following page. The site plan focuses on the developed area around the farm stand since this is the primary area of concern to the County. Outside of this area, the rest of the 75 acre site is almost entirely farmland, except for a small, previously-approved farm help dwelling in the northwest corner of the site.

It should also be noted that this aerial photo seems to have been taken during a wedding reception, as evidenced by the presence of three temporary tents and a number of tables at the top of the frame, and a larger-than-usual number of cars parked at the site. The applicant chose this aerial in part to make a good faith effort to show how the site looks at a busier time.

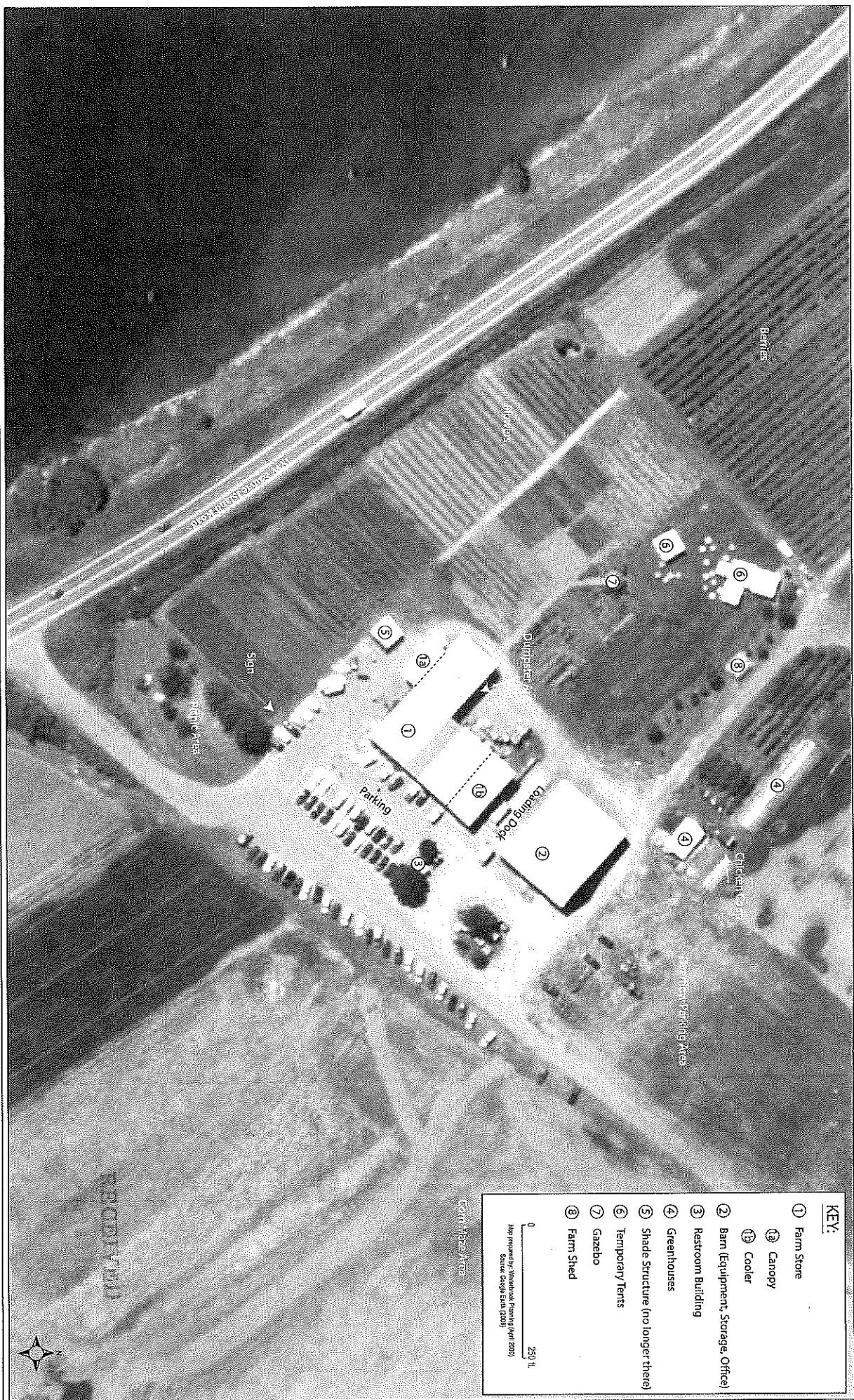


Permanent structures are shown on the site plan above and listed in the following table. Temporary structures that come to the site for short periods, such as the tents used for special events, are shown on the site photo, but not listed in the table.

<b>Structure</b>	<b>Est. Size</b>	<b>Use/Purpose</b>
Farm Stand	9,950 square feet	Retail operation.
Barn	6,000 square feet	Storage for farm equipment, animal pens, materials storage, farm office.
Farm Dwelling	754 square feet	Dwelling for farm help.
Restroom building	20' x 7'	Restroom for farm guests.
Greenhouses	15' x 90' and 25 x 15'	Raising plants.
Storage shed	15' x 10'	Storage of farm equipment.
Gazebo	15' diameter	Flower sales and prep area.

Crops currently in rotation at the farm include flowers, berries, pickling cucumbers, pumpkins, and many other vegetables. The vast majority crops grown on Kruger Farm are sold through its own farm stand. The farm stand also offers other agricultural products from the "local agricultural area", as allowed by the County code, as well as a small percentage of incidental items, such as soda and prepared snacks.

The site is zoned Exclusive Farm Use, and is located within the Sauvie Island and Multnomah Channel Rural Area Plan. Certain areas of the property also have zoning overlays: Sauvie Island Riparian, Sauvie Island Wetland, Flood Hazard Area, and Willamette River Greenway. These overlays have no practical effect on this application because the developed areas are located outside the overlays, and no new development is proposed.



**KEY:**

- ① Farm Store
- ② Canopy
- ③ Cooler
- ④ Barn (Equipment, Storage, Office)
- ⑤ Restroom Building
- ⑥ Greenhouses
- ⑦ Shade Structure (no longer there)
- ⑧ Temporary Tents
- ⑨ Gazebo
- ⑩ Farm Shed
- ⑪ Chicken Coop
- ⑫ Dumpline
- ⑬ Sign

0 250 ft.  
Map prepared by: Northwest Planning (April 2000)  
Source: Aerial Photo (2000)



**KRUGER'S FARM MARKET**  
17100 NW Sauvie Island Road  
Portland, Oregon 97231

Exhibit A  
Site Plan: Aerial View