

# NOTICE OF DECISION



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

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## Application for a Temporary Permit

**Case File:** T2-2024-0060      **Applicant:** Bonita Oswald, Portland Water Bureau

**Proposal:** Request for a Temporary Permit for the placement of construction office trailers to be used at the approved Water Filtration Facility during its construction.

**Note:** Upon further review, Multnomah County has determined that this Temporary Permit need only address the construction office trailers. The sanitary stations and Connex storage trailers have been determined to be a part of the normal construction activity and need not be reviewed under this Temporary Permit.

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**Location:** 35320 SE Carpenter Lane, Gresham      **Property ID #** R342603 & R342619  
**Map, Tax lot:** 1S4E22D-00100 &      **Alt. Acct. #** R994220980 &  
1S4E22D-00400      R994220820

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

**Overlays:** Significant Environmental Concern for water resources (SEC-wr), Significant Environmental Concern for wildlife habitat (SEC-h), and Geologic Hazards

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**Decision:** **Approved with Conditions**

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, September 6, 2024 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](mailto:LUP-comments@multco.us). Paper copies of all documents are available at the rate of \$0.46/page.

**Opportunity to Appeal:** The appeal form is available at [www.multco.us/landuse/application-materials-and-forms](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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

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**Issued by:** *Lisa Estrin*

Lisa Estrin, Senior Planner

**For:** Adam Barber  
Interim Planning Director

**Date:** Friday, August 23, 2024

## Vicinity Map



### Applicable Approval Criteria:

**Multnomah County Code (MCC):** MCC 39.1250 Code Compliance and Applications, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – MUA-20, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards, MCC 39.4315(A) Review Uses, Temporary Uses, MCC 39.4325 Dimensional Standards and Development Requirements, 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 land use permit shall expire as follows:
  - a. This temporary permit runs from September 7, 2024 to September 7, 2025. No time extensions may be granted. [MCC 39.1185(E), MCC 39.1185(G), and MCC 39.8750(A)]
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. **When submitting building plans for Zoning Plan Check Review**, the property owner(s) or their representatives shall:
  - a. Provide fixture lighting details documenting compliance with the Dark Sky Lighting Standards. [MCC 39.4325(G), MCC 39.6850]
  - b. Provide evidence that all temporary structures are below the maximum height of 35 feet. [MCC 39.4235(C)]
4. Prior to placement of any temporary trailer or its use, the property owner or their representative shall obtain all necessary permit from the City of Gresham. [MCC 39.1170(A), MCC 39.4325(G)]
5. All temporary trailers shall cease and be removed from the property within 5 days of the expiration of this permit unless a new Temporary Permit is granted.
  - a. If a new temporary permit is to be applied for, the property owner or their representative shall make the application at least 60 days prior to the expiration of this permit to avoid having to remove the improvements during the processing of a new permit. [MCC 39.1185(E), MCC 39.1185(G), and MCC 39.8750(A)]

**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 Plan Check Review, 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 submitting Building Plans for Zoning Review...” Be ready to demonstrate compliance with the conditions.
2. 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 Gresham.

**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 has requested a Temporary Permit to place construction field office trailers on the Water Filtration Facility during its construction. The construction field office trailers are to be used by the contractor, MWH-Kiewit, Portland Water Bureau and subcontractors during the facility’s construction. The placement of these temporary physical improvements will be located outside of all overlay zones.

### 2.0 Property Description & History:

**Staff:** The subject property is approximately 93.49+/- acres and was approved for the construction of the Portland Water Bureau’s new Water Filtration Facility under land use permit T3-2022-16220. The property is zoned Multiple Use Agriculture – 20 and has overlays for Significant Environmental Concern for water resources (SEC-wr) and wildlife habitat (SEC-h), Geologic Hazards (GH) and Flood Hazards (FH). The property is outside of the urban growth boundary. The property is located in the West of Sandy River rural area.

### 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 received public comments during the 14-day comment period.

- 3.1 **Doug Silton**, nearby neighbor with property located on Dodge Park Blvd provided a written comment on June 27, 2024 regarding the Water Treatment Facility. He has issues with the displacement of wildlife habitat, the financial cost of the project, and the loss of property values of property owners on Carpenter Lane (Exhibit D.1).
- 3.2 **David Shapiro**, nearby neighbor with property located on SE Lusted Rd provided a written comment on July 1, 2024 regarding all phases of the Portland Water Bureau project. He has issues with the financial costs of the project, impacts to the wildlife and the rural character of the neighborhood. He is also concerned with the noise generated from the construction (Exhibit D.2).
- 3.3 **Mike & Carol Kost**, adjacent neighbor with property located on SE Carpenter Ln provided written comment on July 1, 2024 regarding the Water Filtration Facility project. He is concerned regarding the loss of habitat for the wildlife and birds of prey. In addition, the noise from the construction project is constant and loud from 5:40 am to 6:00 pm, 6 days week. The construction has ruined the quiet rural living. They question how we can approve temporary permits with the LUBA review outstanding (Exhibit D.3).

**Staff:** The Water Filtration Facility and related improvements have been reviewed and approved under T3-2022-16220. The proposed Temporary Permit is for the temporary construction office trailers only and is not to reconsider the impacts generated during the construction of the Portland Water Bureau improvements. No comments were received about the proposed location or use of the temporary buildings.

**4.0 Code Compliance and Applications Criteria:**

**4.1 MCC 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: For purposes of the current application, there are no known open compliance cases associated with 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 § 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.

\* \* \*

Staff: The subject property was found to be two Lot of Records in T2-2024-16220. In T1-2023-16600, the property owner applied for a Lot Consolidation application. When it they complete the steps the two parcels will be combined into a single parcel and a single Lot of Record.

**6.0 Multiple Use Agriculture - 20 Criteria:**

**6.1 § 39.4315 REVIEW USES.**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

Staff: The applicant has requested approval of construction trailers as a temporary use during the construction of the Water Filtration Facility. The findings for MCC 39.8750 are under Section 7.0 below.

**6.2 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

All development proposed in this base zone shall comply with the applicable provisions of this section.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

**Staff:** The proposed location of the construction office trailers complies with the above yards (Exhibit A.4 & A.5). A condition of approval has been included that the applicant demonstrate that the construction office trailers when set up will not exceed the maximum structure height.

**(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

**(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 Sanitarian reviewed the proposal and finds it acceptable (Exhibit A.7). A Stormwater Drainage Control Certificate signed by a licensed engineer has been provided. *Criteria met.*

**(J) All exterior lighting shall comply with MCC 39.6850.**

**Staff:** A condition of approval has been included that the applicant provide lighting details regarding the light fixtures to be used on the temporary structures and site.

## **7.0 Temporary Permit Criteria:**

### **7.1 § 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:** Land Use Planning has reviewed the proposed uses for the temporary construction office trailers and finds that they fit within the above categories of temporary uses. Conditions of approval have been included to ensure compliance with the zoning regulations [MCC 39.1170(A)]

## **8.0 Conclusion**

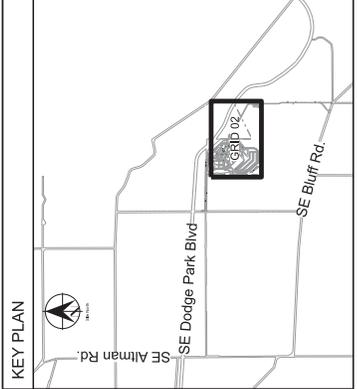
Based on the findings and other information provided above, the applicant has carried the burden necessary for the Temporary Permit to establish the construction office trailers in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

## 9.0 Exhibits

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

All exhibits are available for review by sending an email to [LUP-comments@multco.us](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1		Application Form	6/11/2024
A.2	1	Narrative	6/11/2024
A.3	1	Picture of construction trailer	6/11/2024
A.4	1	Raw Water Pipeline Subarea Site Plan	6/11/2024
A.5	1	Water Filtration Facility Site Plan	6/11/2024
A.6	4	Stormwater Drainage Control Documents	7/31/2024
A.7	15	Septic Review Certification	7/31/2024
A.8	2	Fire Service Provider Review	7/31/2024
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E22D-00400 (Alt Acct# 994220980/ Property ID# R342619)	6/11/2024
B.2	2	Assessment and Taxation Property Information for 1S4E22D-00100 (Alt Acct# 994220820/ Property ID# R342603)	6/11/2024
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	6.11.2024
C.2	4	Opportunity to Comment	6.17.2024
C.3	7	Decision	8/23/2024
'D'	#	Comments	Date
D.1	1	Doug Silton Comments	6/27/2024
D.2	1	David Shapiro Comments	7/1/2024
D.3	1	Mike & Carol Kost Comments	7/1/2024



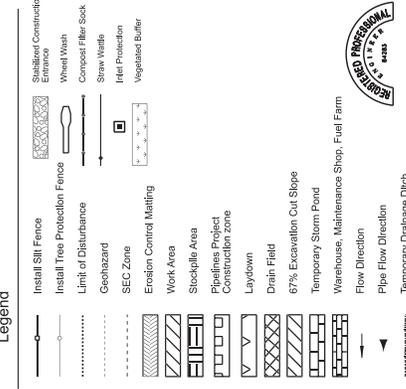
**General Sheet Notes**

1. No unsupported finish slopes on site.
2. Limit of Disturbance is 1ft from Geohazard line, property line, or SEC-WR line. Temporary Silt Fence is placed at Limit of Disturbance.

**Sheet Keynotes**

1. Install Temporary Silt Fence. See Detail 2 on Sheet 00-C-901.
2. Install Tree Protection Fence. See Detail 1 on Sheet 00-C-902.
3. Install Stabilized Construction Entrances. See Detail 1 on Sheet 00-C-901.
4. Install Wheel Wash. See Detail 3 on Sheet 00-C-901.
5. Place E-Stacks Fences. Place Temporary Silt Fence minimum 1ft from existing fences.
6. Install Composite Filter Sock. See Detail 2 on Sheet 00-C-903.
7. Install Straw Wattle. See Detail 2 on Sheet 00-C-903.
8. Install Inlet Protection. See Detail 2 on Sheet 00-C-902.

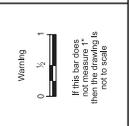
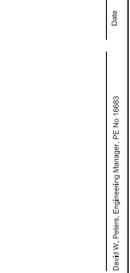
**Legend**



**PROFESSIONAL SEAL**  
**REGISTERED PROFESSIONAL ENGINEER**  
**STATE OF OREGON**  
**NO. 11777**  
**DATE 08/20/23**

**PROJECT NO.** W02229  
**DATE** 3/7/23  
**SHEET NO.** 00-C-306  
**TOTAL SHEETS** 7 of 16

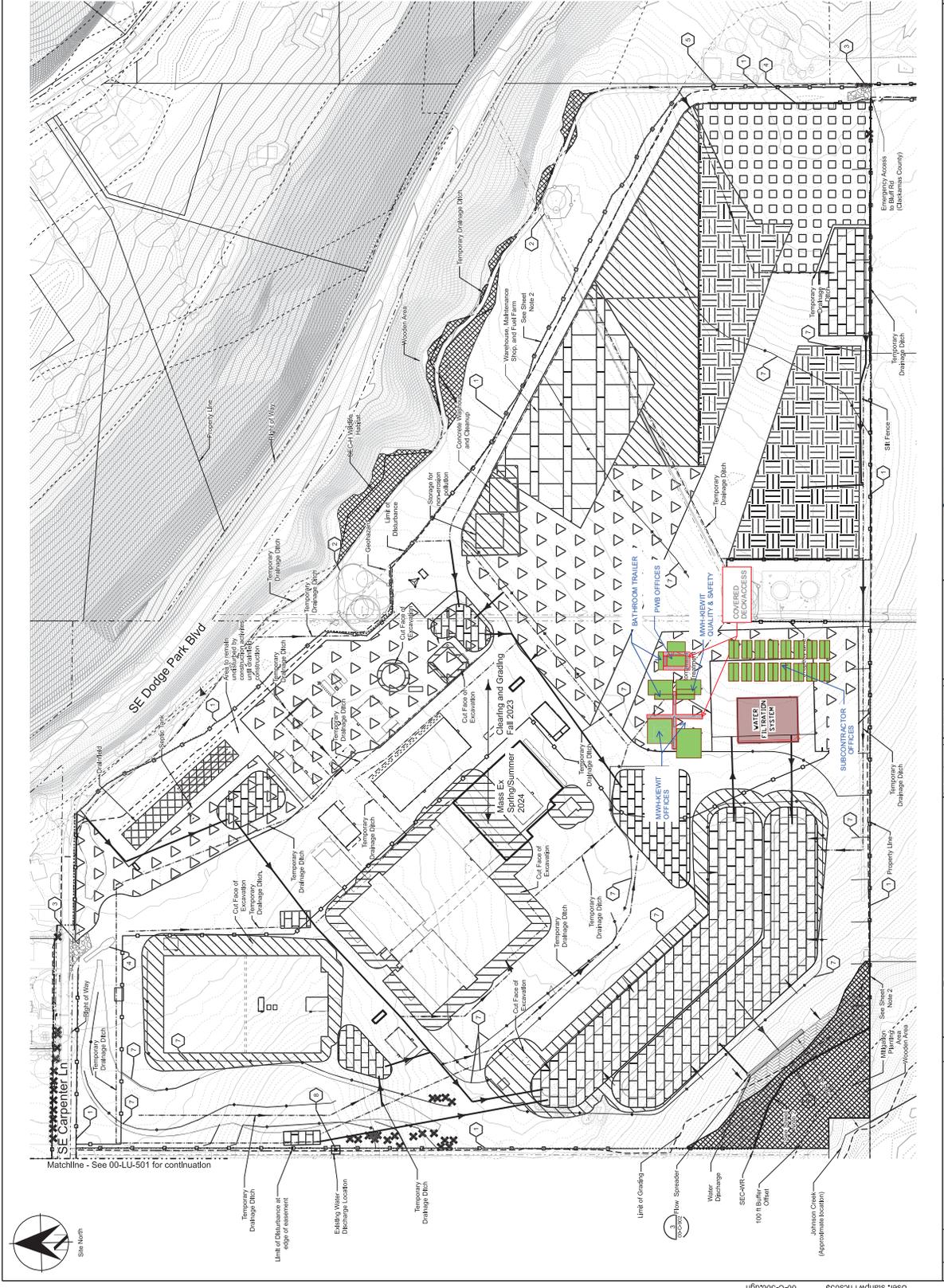
**Bull Run Filtration Facility**  
**Erosion and Sediment Control**  
 Clearing and Construction Filtration Facility  
 Across from 35319 SE Carpenter Lane



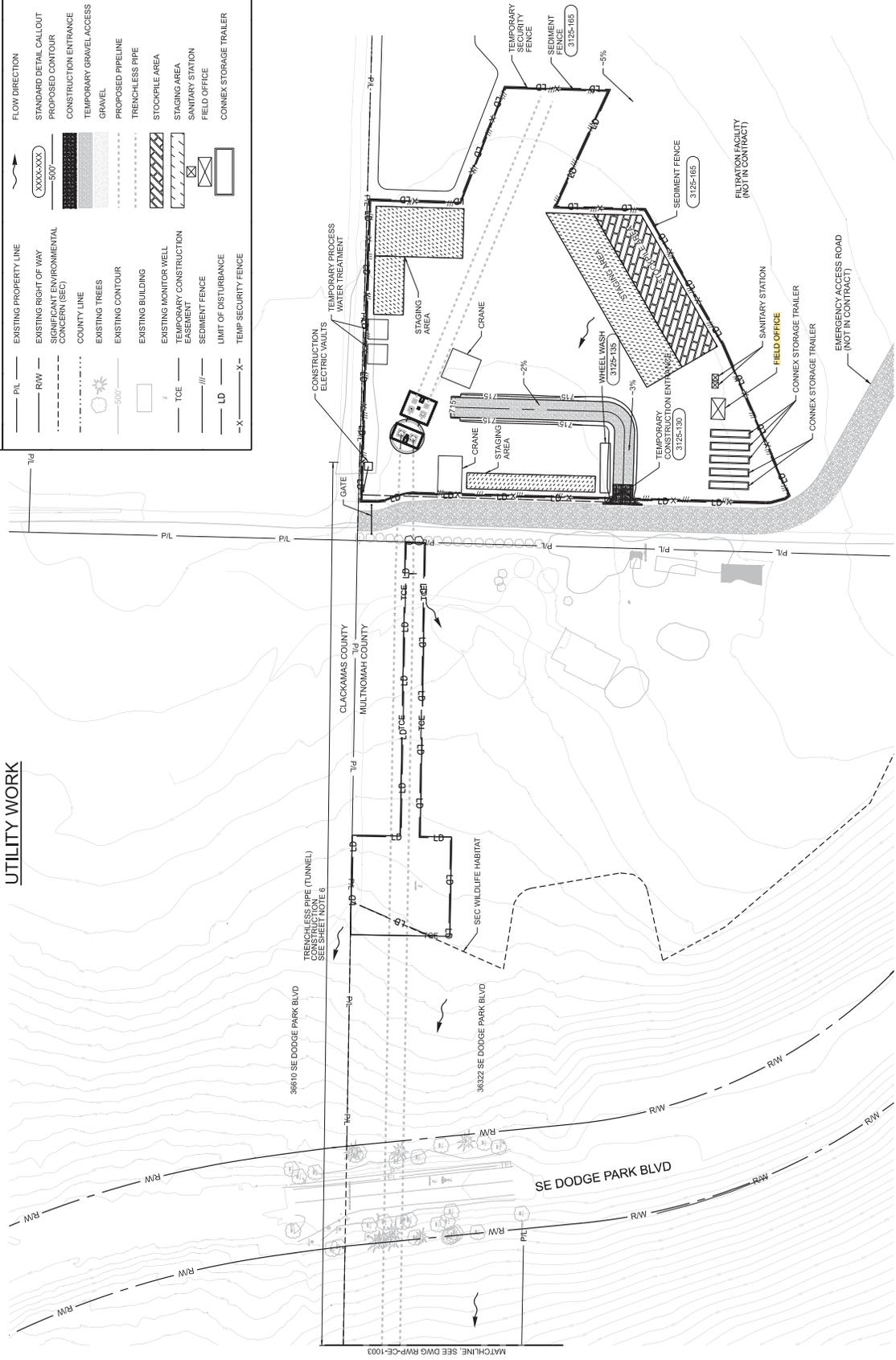
Designed By	SE	Checked By	SE
Drawn By	SE	Project Mgr.	SE
Checked By	SE	Date	

**Stantec**  
**EMERIO**  
 ENGINEERING & SURVEYING DESIGN

No.	Date	Description	Rev/By	App'd



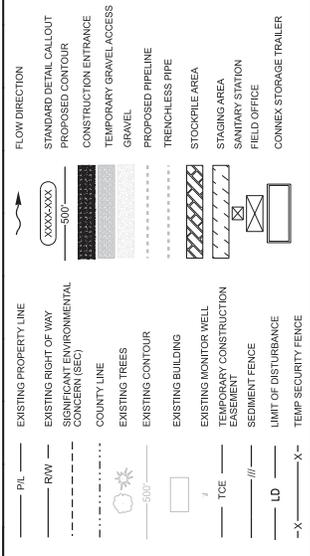
**UTILITY WORK**



**GENERAL SHEET NOTES**

- REFER TO EROSION AND SEDIMENT CONTROLS NOTES, SHEET ESC-004.
- PROTECT ALL EXISTING STRUCTURES AND TREES REMOVE AND REPLACE ROADWAY PAVEMENT TO MATCH EXISTING TO MATCH EXISTING LINE AND GRADE.
- CONTRACTOR TO REGRADE DISTURBANCE AREA FROM PIPELINE CONSTRUCTION TO MATCH EXISTING GRADE, WHERE NOT OTHERWISE SHOWN ON DRAWINGS.
- ALL DISTURBANCE AREA NOT RECEIVING PAVEMENT SHALL BE RESTORED WITH GRASS SEEDING. SLOPES STEEPER THAN 3:1 SHALL BE RESTORED WITH CONTROL BLANKETS AS SPECIFIED AND PER DETAIL 3125-152, SHEET ESC-201.
- TWO EACH 9" DIAMETER 1200' LONG PARALLEL TUNNELS WITH 8' OF SEPARATION BETWEEN TUNNELS. TUNNELS SHALL BE EXCAVATED AT THE START OF THE TUNNEL AND 23' BELOW THE EXISTING GROUND SURFACE. THE TUNNELS SHALL BE EXCAVATED TO A DEEP VERTICAL SHAFT. THE TUNNEL EXCAVATION OPERATION WILL BE CONTINUOUSLY SUPPORTED BY PNEUMATICALLY APPLIED SAND. TUNNELS FOLLOWING THE EXCAVATION SHALL TO MINIMIZE CONVERGENCE.
- CONTOURS DISPLAYED AND LABELED EVERY 5FT.

**LEGEND**



**PORTLAND WATER BUREAU**  
 FROM FOREST TO FAUCET  
 EMERGENCY ACCESS ROAD (NOT IN CONTRACT)  
 CONNEX STORAGE TRAILER  
 FIELD OFFICE  
 SANITARY STATION  
 WHEEL WASH  
 TEMPORARY CONSTRUCTION ENTRANCE 3125-138  
 SEDIMENT FENCE 3125-105  
 TEMPORARY SECURITY FENCE 3125-105  
 CRANE STAGING AREA  
 CRANE  
 CONSTRUCTION ELECTRIC WALLS  
 GATE  
 TRENCHLESS PIPE (TUNNEL) SEE SHEET NOTE 6  
 SEC WILDLIFE HABITAT  
 36322 SE DODGE PARK BLVD  
 36610 SE DODGE PARK BLVD  
 SE DODGE PARK BLVD  
 CLACKAMAS COUNTY  
 MULTNOMAH COUNTY  
 LOTCE  
 MATCHLINE SEE DWG RWP-CE-1003  
 SCALE IN FEET  
 0 50 100 150  
 NORTH ARROW  
 KEYPLAN  
 SE OREGON RD  
 SE LISTED RD  
 SE TRITON RD  
 SE DODGE PARK BLVD  
 THIS SHEET  
 RWP-CE-1004  
 SHEET NO  
 W02563  
 DATE

**PORTLAND WATER BUREAU**  
 FROM FOREST TO FAUCET  
 DESIGN PACKAGE  
 ISSUED FOR CONFORMED SET ONLY FOR STAMPED DESIGN PLEASE REFER TO DESIGN PACKAGE FOR 100% FINAL DESIGN PACKAGE  
 Program Mgr: DH  
 Design Mgr: BN  
 Check Mgr: JB  
 Date: 9/29/23  
 WARNING: THESE DOCUMENTS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL ERRORS OR OMISSIONS IN THESE DOCUMENTS. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL ERRORS OR OMISSIONS IN THESE DOCUMENTS.  
 KENNETH H. ACKERMAN, PRINCIPAL ENGINEER, PE #15424  
 DATE

**PORTLAND WATER BUREAU**  
 FROM FOREST TO FAUCET  
 RAW WATER PIPELINE EROSION AND SED CONTROL UTILITY WORK 2 GRID 3  
 W02563  
 SHEET NO  
 RWP-CE-1004  
 DATE