

NOTICE OF DECISION



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

Application for a Temporary Permit

Case File: T2-2025-0001 **Applicant:** Robert Fraley, Portland Water Bureau

Proposal: Request for a Temporary Permit for the placement of a construction field office and two Connex storage trailers at 33334 SE Lusted Road.

Location: 33334 SE Lusted Rd, Gresham
Map, Tax lot: 1S4E21A-01000

Property ID # R342464
Alt. Acct. # R994210050

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

Overlays: N/A

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, October 10, 2025 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. Paper copies of all documents are available at the rate of \$0.71/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to 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

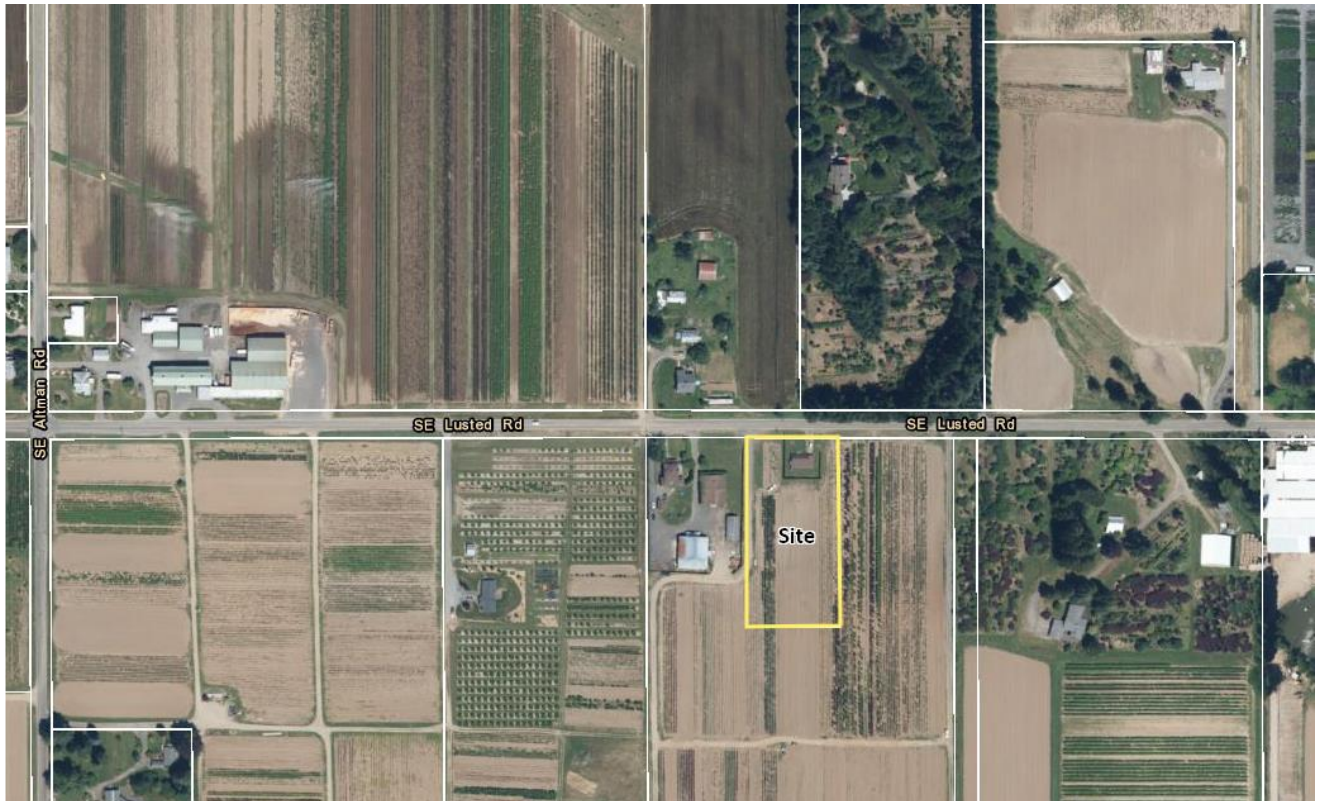
Issued by: *Lisa Estrin*
Lisa Estrin, Senior Planner

For: Megan Gibb,
Planning Director

Date: Friday, September 26, 2025

Vicinity Map

N↑



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards.

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – MUA-20;

Multiple Use Agriculture – 20 (MUA-20): 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 temporary permit runs from October 11, 2025 to October 11, 2026. [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 Portland Water Bureau (PWB) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]

3. Prior to the placement of the temporary structures, the Portland Water Bureau or their representatives shall:

- a. Obtain the necessary Ground Disturbance permit from Land Use Planning [MCC 39.6210].
- b. Obtain Zoning Plan Review approval.
- c. 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 Lisa Estrin at lisa.m.estrin@multco.us. [MCC 39.1170(A) & (B)]
- d. Obtain all necessary permit(s) from the City of Gresham.
- e. Obtain any required permit(s) from the Sanitarian with the City of Portland's Permitting & Development.

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

- a. Provide a signed Fire Service Agency Form for the temporary buildings documenting that the Fire Agency has reviewed the location of the improvements and they are acceptable. [MCC 29.004]
- b. Provide a signed Septic Review Certification documenting that the Sanitarian has reviewed the proposal. [MCC 39.4375(F)]
- c. Provide a signed Stormwater Drainage Control Certificate demonstrating compliance with the County's stormwater drainage control code and any related documents for the temporary structures. [MCC 39.4375(F), MCC 39.6235]
- d. Provide fixture lighting details documenting compliance with the Dark Sky Lighting Standards. [MCC 39.4375(H), MCC 39.6850]
- e. Provide evidence that all temporary structures are below the maximum height of 35 feet.

5. The temporary trailer and structures shall cease being used and shall be removed within 5 days of the expiration of this permit unless a new temporary permit or extension is granted. [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 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 a construction field office trailer on the above listed property and two Connex storage trailers during the construction of the Intertie site. The field office trailer will be used by the contractor during the site’s construction. The placement of the temporary trailers will be located outside of all overlay zones.

2.0 Property Description & History:

Staff: This application is for 33334 SE Lusted Rd, Gresham, which is adjacent to the Intertie site. The subject property is on the south side of Lusted Road in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Multiple Use Agriculture – 20 (MUA-20). There are no overlays on the property.

The property is occupied by a single-family dwelling and is 1.86 acres according to the County Assessor.

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.3). No comments were received during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 § 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: 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.

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.

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.

(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.

* * *

§ 39.3080 - LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (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:

* * *

Staff: In land use decisions, T2-2015-4092 and T2-2025-0008, Land Use Planning found that the subject property was established in 1969 and it met the zoning and land division regulations at the time. It was found that tax lot 1S4E21A-01000 is a Lot of Record. *The subject property is a 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 applied for a temporary permit for a temporary construction field office and two Connex storage trailers for secure storage of materials on the subject property. The temporary use met the criteria listed in § 39.8750. *Criterion met.*

6.2 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Staff: The temporary structures will be placed as follows:

Building(s)	Front Lot Line	Eastern Side Property Line	Western Side Property Line	Rear Prop. Line
Connex Trailers	47+/- ft	20+/- ft	156+/- ft	319+/- ft
Const. Office Trailer	117+/- ft	20+/- ft	156+/- ft	242+/- ft

A photograph of the proposed trailer has been provided (Exhibit A.3). A condition of approval has been included to verify the construction trailer is under 35 ft in 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: Conditions of approval have been included to ensure that the on-site sewage system for the existing dwelling will be preserved and that the stormwater for the temporary uses can be handled on-site. *As conditioned, criteria met.*

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

Staff: A condition of approval has been included to ensure any exterior lighting complies with this criterion. *As conditioned, criterion met.*

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 trailer and two Connex trailers and find 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 a temporary use 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

Exhibits with an ‘*’ have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	01/14/2025
A.2	2	Narrative	01/14/2025
A.3	1	Trailer Picture	01/14/2025
A.4	1	Site Plan	01/14/2025
A.5	1	Site Plan - Revised	01/22/2025
A.6	1	Final Site Plan	6/24/2025
A.7	1	Robert Fraley Email	6/24/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E21A-01000 (Alt Acct# R994210050 / Property ID# R342464)	01/14/2025
B.2	1	Current Tax Map for 1S4E21A	8/19/2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	2/03/2025
C.2	1	Case Update Letter	4/04/2025
C.3	3	Opportunity to Comment	8/4/2025
C.4	7	Decision	9/26/2025