

NOTICE OF DECISION



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Application for Temporary Permit

Case File: T2-2025-0042 **Applicant:** Robert Fraley, Portland Water Bureau

Proposal: Request for a temporary permit for construction activities on the Pleasant Home Water District property in support of the PWB Water Filtration Facility project.

Location: 35525 SE Carpenter Ln, Gresham **Property ID #** R342614 & R342552
Map, Tax lot: 1S4E22D-00300 & 1S4E22D-00200 **Alt. Acct. #** R994220930 & R994220290

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

Overlays: None

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, December 30, 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: Tuesday, December 16, 2025



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: 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.

Multiple Use Agriculture – 20: MCC 39.4315(A) Review Uses, Temporary Uses, MCC 39.4325(C) 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 August 17, 2025 to August 17, 2026. [MCC 39.8750(A), MCC 37.1250, MCC 39.1183(e)]
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. Use of the property shall cease upon expiration of this permit, and all improvements associated with the construction of the water filtration facility shall be removed from the property within 30-days of the expiration of this permit unless an extension or new temporary permit is granted.
 - a. If an extension or 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 associated with the adjacent construction during the processing of a new permit. [MCC 39.1185(E), MCC 39.1185(G), and MCC 39.8750(A)]

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 allow limited construction activities on the Pleasant Home Water District property (35524 SE Carpenter Ln) in support of the Portland Water Bureau Water Filtration Facility and Pipeline project. These limited construction activities include:

- Temporary use of an existing gravel road and existing fire hydrant on the PHWD property;
- Temporary installation of security fencing and silt fencing north of the southern property boundary;
- Temporary installation of tree protection fencing;
- Temporary lay down of an 8-inch dewatering pipe; and
- Temporary installation of electrical service lines (bored under PHWD property) (Exhibit A.3, A.4 & A.5).

The applicant has requested a renewal and extension of T2-2024-0065 which is the prior temporary permit approved on August 16, 2024. T2-2024-0065 expired on August 16, 2025. The current application, T2-2025-0042 was submitted on August 26, 2025 and is not an extension or renew of the prior permit.

2.0 Property Description & History:

Staff: This application is for 35524 SE Carpenter Ln, Boring. The subject property is occupied by the Pleasant Home Water District’s two water towers. The site is 1.21 acres in size and is accessed via easement as it has no public right-of-way adjacent to it. The subject property is zoned Multiple Use Agriculture – 20 (MUA-20). No environmental overlays have been enacted on the property by the County. The property is outside of the urban growth boundary and 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 & C.3). No public 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:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or...

* * *

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.

At present, the prior temporary permit, T2-2024-0042 has expired and the site is continuing to be used by the Portland Water Bureau’s contractors which is a violation of the permit and MCC 39.4305 Uses. With the granting of this temporary permit, the site will be back in compliance with the MUA-20 zone.

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.

* * *

§ 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

* * *

Staff: The two tax lots were combined into a single parcel by Lot Consolidation T1-2014-3355 to establish or re-establish the Lot of Record based on the findings in T3-2013-2935. The single 1.21-acre parcel is a Lot of Record. *Criterion met.*

6.0 Multiple Use Agriculture – 20 (MUA-20 Criteria:

6.1 § 39.4365 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 a Temporary Permit to allow limited construction activities during the construction of the Portland Water Bureau’s Water Filtration Facility and Pipeline project. The findings for MCC 39.8750 are under Section 7.0 below.

6.2 § 39.4375 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

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

* * *

Staff: The dewatering pipe and perimeter sediment fence are less than 30-inches in height and are permitted in the Yards pursuant to MCC 39.2000 Definitions, Yard (Exhibit A.3 & A.4). The tree protection fence will be removed at the end of the temporary permit time period. The perimeter fence along the south property line is proposed at 6 ft in height and may be located within the rear yard. No other structures are proposed. *As conditioned, criteria will be met.*

(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: No sanitary services or stormwater systems are proposed as part of the temporary use other than the dewatering pipe that is solid and will not disperse water onto the site. The pipe’s size is 8-inch diameter and is approximately 100 sq. ft. of impervious area.

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

Staff: No exterior lighting is proposed as part of the temporary permit.

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 Pleasant Home Water District property and find that:

- The temporary use of an existing gravel road and existing fire hydrant on the Pleasant Home Water District during the construction of the Portland Water Bureau Water Filtration Facility and Pipeline project is in support of the hearings officer’s approval T3-2022-16220 and will be temporary in nature.
- Temporary installation of security fencing north of the southern property boundary is needed to create a secure construction boundary and is temporary in nature as stated by the Portland Water Bureau.
- The installation of temporary silt fencing on the Pleasant Home Water District property will assist in reducing or preventing sedimentation from leaving the project area while significant amounts of earth materials are being disturbed and the use of the silt fence is temporary in nature.
- Temporary installation of tree protection fencing will prevent construction crews from damaging the root zone of the trees on the Pleasant Home Water District site which is not clearly delineated on the ground. The tree protection fencing is temporary in nature and is beneficial to the property.
- Temporary lay down of an 8-inch dewatering pipe; and
- Temporary installation of electrical service lines (bored under PHWD property) (Exhibit A.3).

The proposed temporary improvements fit within the above categories of temporary uses. Conditions of approval have been included to ensure compliance with the time limitations [MCC 39.1170(A)].

9.0 Conclusion

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

10.0 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	8/26/2025
A.2	7	Temporary Construction Easement	8/26/2025
A.3	1	Code Narrative	8/26/2025
A.4	1	Site Plan	8/26/2025
A.5	1	Section View	8/26/2025

'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E22D-00300 (Alt Acct# R994220930/ Property ID# R342614)	8/26/2025
B.2	2	Assessment and Taxation Property Information for 1S4E22D-00200 (Alt Acct# R994220290/ Property ID# R342552)	8/26/2025
B.3	1	Current Tax Map for 1S4E22D	12/10/2025
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	9/3/2025
C.2	3	Opportunity to Comment	9/10/2025
C.3	1	OTC Mailing List	9/10/2025
C.3	8	Decision	12/16/2025