

NOTICE OF DECISION



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

Application for Temporary Permit

Case File: T2-2025-0048 **Applicant:** Robert Fraley, Portland Water Bureau

Proposal: Request for a Temporary Permit for the placement of construction office trailers to be used during construction of raw water pipelines for the Bull Run Pipelines Project.

Location: 36800 SE Lusted Rd & 36910 SE Lusted **Property ID #** R237226 & R237225
RD Boring, OR 97204

Map, Tax lot: 1S4E23C-01500 & **Alt. Acct. #** R649716640 & R649716620
1S4E23C-01400

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h), and Geologic Hazards (GH) [Proposed activities not located in the SEC-h or GH overlays.]

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is December 17, 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: _____

Alexandra Howard, Deputy Planning
Director

For: Megan Gibb,
Planning Director

Date: December 3, 2025

Vicinity Map

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Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.3005 Lot of Record – Generally, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards, MCC 39.3090 Lot of Record – Rural Residential (RR)

Rural Residential Criteria: MCC 39.4365(A) Review Uses, MCC 39.4375 Dimensional Requirements and Development Standards, 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 **December 3, 2025 to December 3, 2026**. Up to one 12 month extension may be granted under. [MCC 39.1185(E), MCC 39.1185(G), MCC 39.8750(A), MCC 39.1195(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. All temporary trailers shall cease and be removed from the property within 30–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)]. Staff recommends applying for an extension or new permit far in advance of the permit expiration.
4. **Obtain Zoning Plan Review Approval, Prior to Applying for Building Permits from the City of Gresham** – If new Building Permits are needed from the City of Gresham, the applicant will need to first submit building plans for Zoning Plan Review to Multnomah County Land Use Planning for sign off. Once you have obtained an approved Zoning Plan 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 Bull Run Filtration Pipelines during its construction. The construction field office trailers are to be used by the contractors, Portland Water Bureau, and subcontractors during the facility’s construction. The temporary construction office trailers were sited last year on the site, for this secondary approval there are no changes proposed from the previous approved permit which is under Case T2-2024-0062. The placement of these temporary physical improvements will be located outside of all overlay zones.

2.0 Property Description & History:

Staff: The subject property on 36910 SE Lusted RD Boring, OR 97204. The Tax ID for the Site is 1S4E23C-0400. The property is located in the West of Sandy River rural area. The property is outside of the urban growth boundary in unincorporated west Multnomah County. The property is zoned Rural Residential (RR) and has overlays for Significant Environmental Concern for wildlife habitat (SEC-h) and Geologic Hazards (GH).

The site is under construction to form the Bull Run Filtration Pipelines facility. The site in culmination is approximately 7.97+/- acres. The sites are immediately surrounded by other rural zoning types.

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 two public comment letters on this application:

Exhibit D.1 - Comment from Charles Ciecko, email, sent on November 5, 2025.

Exhibit D.2 - Comment from Cottrell Community Planning Organization (CCPO), email, sent November 6, 2025.

Staff: The comments raised issues related to uncertain numbers of trailers being proposed, expiration timeline for the previous permit, compliance with dark sky standards, increased stormwater runoff, concerns about impacts within overlays (SEC-h and GH), and noticing to additional organizations. The following summarizes the primary topics raised and provides staff responses.

- **Number of trailers being proposed and other application details:** The application is solely to continue the activity approved under a previously granted permit (Case T2-2024-0062) with no changes to the number of trailers proposed or other activities on site. All trailer placement must be consistent with the site plan in the narrative. This application only addresses temporary construction trailers and does not address other items which may

- **Expiration of Existing Temporary Permit:** For expired or unpermitted temporary uses, the County first requires the property owner to apply for the necessary land use permits; if no application is submitted or approved, the trailers must be removed.

On November 21, 2025, Multnomah County issued a Request for Voluntary Compliance to the Portland Water Bureau (PWB) (Code Case # CC-2025-0005), and notified PWB, directly PWB to complete the land use application process to resolve the MCC violation.

The issuance of this decision for T2-2025-0048 resolves the MCC violation of the conditions of T2-2024-0062.

- **Dark Sky Standards:** Comments raised concern that the application did not provide evidence demonstrating compliance with Dark Sky Standards set forth in MCC 39.6850. The previous approval for this use (T2-2024-0062) included a condition of approval requiring the applicant to provide lighting details in Exhibit A.5 regarding the light fixtures to be used on the temporary structures and site. No changes have been made since the previous approval, and the applicant will continue to comply with the Dark Sky Standards in the MCC.
- **Impacts in Overlay Zones (SEC-h and GH):** Comments expressed concern about impacts from trailers located within the Significant Environmental Concern - Habitat (SEC-h) and Geologic Hazard (GH) overlays. The temporary construction trailers being reviewed under this application are located outside of the GH and SEC overlays.
- **Stormwater Runoff:** One comment expressed concern about increased stormwater runoff from additional trailers at the site. No additional trailers are proposed. As described in findings in Section 6.2 of this report, use of a gutter, downspout, and splash block control drainage system was previously approved (T2-2024-0062) as the appropriate stormwater drainage control system, as demonstrated in Exhibit A.5. No changes have been made since the previous approval.
- **Notice to Additional Organizations:** One comment expressed concern that notice for the project did not include distribution to organizations involved in other land use cases in the vicinity. The County met public notice requirements for this (T2-2025-0048) land use application.

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:

(3) It is for work related to and within a valid easement over, on or under an affected property; or

Staff: The County received a code compliance complaint related to the use of construction trailers on the site after the expiration of casefile T2-2024-0062. On November 21, 2025, Multnomah County issued a Request for Voluntary Compliance to the Portland Water Bureau (PWB) (Code Case # CC-2025-0005). The County’s code compliance process for violations such as this is to first request the applicant apply for and obtain permits for the use, and then to require the removal of the trailers if no application is made or the subsequent applications are not approved. This casefile, T2-2025-0048 will address issues raised in CC-2025-0005.

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 the Subsection (B) of this Section and meets the standards set forth in this part of the Zoning District in which the area of land is located.

Staff: The County made a Lot of Record Determination for the subject property in land use case T1-2023-16571. Staff has confirmed that the property remains in its lawful configuration. Property owner authorization provided by construction easement and as a government agency that has the power of eminent domain. *This criterion is met.*

6.0 Rural Residential 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 continued approval of construction trailers as temporary use during the construction of the facility. The findings for MCC 39.8750 are under Section 7.0 below. *This criterion is met.*

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

Staff: The proposed location of the construction office trailer complies with the above yards. The applicant provided Exhibit A.5 of elevations that the construction office trailers will not exceed the maximum structure height at 16 feet in height. *This criterion is met.*

(F) 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: Upon review, this temporary permit addresses the construction office trailers. In the initial permitting of the site, use of a gutter, downspout, and splash block control drainage system was approved as the appropriate stormwater drainage control system, as demonstrated in Exhibit A.5. No changes have been made since the previous approval.

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

Staff: A condition of the 2024 approval was for the applicant to provide lighting details in Exhibit A.5 regarding the light fixtures to be used on the temporary structures and site. No changes have been made since the previous approval. *This criterion is 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 trailers and finds that they continue to fit within the above categories of temporary uses. Criterion met. *This criterion is met.*

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 temporary use in the RR 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	9/3/2025
A.2	1	Code Narrative	9/3/2025
A.3	1	Elevation and Floor Drawings-D1	9/3/2025
A.4	34	Elevation and Floor Drawings-E1	9/3/2025
A.5	11	Site Plan-C1	9/3/2025
A.6	8	Temp Construction Easement_Bisell_V1	10/15/2025
A.7	2	Application Form-G1_V1	10/15/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for (Alt Acct# R649716640 / Property ID# R237226)	
B.2	2	Assessment and Taxation Property Information for (Alt Acct# R649716620 / Property ID# R237225)	
‘C’	#	Administration & Procedures	Date
C.1		Complete letter (day 1)	
C.2		Opportunity to Comment	
C.3	7	Decision	10/29/2025
‘D’	#	Public Comment	Date
D.1	1	Ciecko Comment	11/05/2025
D.2	1	Cottrell Community Planning Organization Comment	11/06/2025