

STAFF REPORT – REVISED [EXHIBIT C.4 REPLACED]



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

Appeal of Approval for a Temporary Permit for Field Office Construction Trailer

Case File: T2-2025-0048

Applicant: Robert Fraley, Portland Water Bureau

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

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

Map, Tax lot: 1S4E23C-01500 & 1S4E23C-01400

Alt. Acct. # R649716640 & R649716620

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.]

Vicinity Map

N □



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.

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.

Recommended Decision

Approve the continued placement and use of the construction field office trailer, subject to the recommended conditions provided below.

Recommended Conditions of Approval

The recommended conditions listed below may help 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. **Dark Sky Lighting** – The Hearings Officer may consider requiring the applicant to submit images of installed lighting on the field office trailer demonstrating compliance with MCC 39.6850, and consistency with the approved Zoning Plan Review (BP-2024-1017), as shown in Exhibit A.5 of this Staff Report to address community concerns. [MCC 39.6850]
2. **Limits of Approval** – 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. **Permit Expiration** – Temporary Permits are valid for one year, with the allowance for up to one 12 month extension [MCC 39.1185(E), MCC 39.1185(G), MCC 39.8750(A), MCC 39.1195(A)]. The initial permit approval period via T2-2025-0048 was from December 3, 2025 to December 3, 2026.

Note: An Extension to this permit would require a Type II process.

Note: If either an Extension or a new Temporary Permit or an Extension is applied for, the property owner or their representative should 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)].

4. **Removal of Trailers** – The construction field office trailer shall cease use immediately upon expiration of this permit, and be removed from the property within 30-days of the expiration of this permit unless a new Temporary Permit is granted.

5. **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.

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: Through Case T2-2025-0048, the applicant requested, and received approval of a Temporary Permit to allow the placement of one construction field office trailer (occupied structure) on a portion of the Portland Water Bureau (PWB) Filtration and Pipelines Project site (December 3, 2025 to December 3, 2026). The purpose of the field office construction trailer is to support the construction of an approved land use, the PWB Filtration and Pipelines Project. The location of the trailer is shown on the applicant’s site plan (Exhibit A.5).

The PWB Filtration and Pipelines Project was approved via Case T3-2022-16220. Ground disturbing activities necessary to construct the PWB Filtration and Pipelines Project were approved via Case T1-2023-16571, Erosion and Sediment Control Permit. The PWB Filtration and Pipelines Project land use approval (T3-2022-16220) and the Erosion and Sediment Control Permit (T1-2023-16751) include multiple properties, including the two properties addressed in this application: 36800 SE Lusted Rd & 36910 SE Lusted RD Boring, OR 97204 or R237226 & R237225.

The field office construction trailer is located outside of all mapped environmental and geological hazard overlays. The location is consistent with both T3-2022-16220 and with T1-2023-16751. The construction trailer is to only be used by the Portland Water Bureau, contractors, and subcontractors during the facility’s construction. The applicant has a construction easement granted by the property owner that allows the use of the site for construction related activities.

The temporary construction office trailer addressed in this application (T2-2025-0048) was previously sited via Case T2-2024-0062; that approval, which was valid for one year, with no extension, expired in 2025. As a result, the applicant was compelled to obtain a new Temporary Permit to approve the continued placement and use of the field office trailer. No site changes or changes to the existing construction trailers are or were proposed or approved with the approval granted via T2-2024-0048 in late 2025.

While T2-2025-0048 was under review, a code compliance case was initiated because the trailer was not removed within 30-days of T2-2024-0062 expiring. Code compliance processes are addressed later in this staff report under MCC 39.1250.

The appeal before the County concerns only the re-permitting of a previously approved Temporary Use Permit for a construction office trailer. The PWB Filtration and Pipelines Project and associated construction and ground disturbing activity were previously authorized and are not before the decision-maker in this appeal. No expansion, relocation, or intensification of the previously approved temporary construction office trailer is proposed with this permit renewal.

Issues raised during the public comment period for the initial review of T2-2025-0048 and topics listed as grounds for appeal are addressed in Section 3.0 of this staff report in, and in various findings provided for Chapter 39 throughout the body of this staff report.

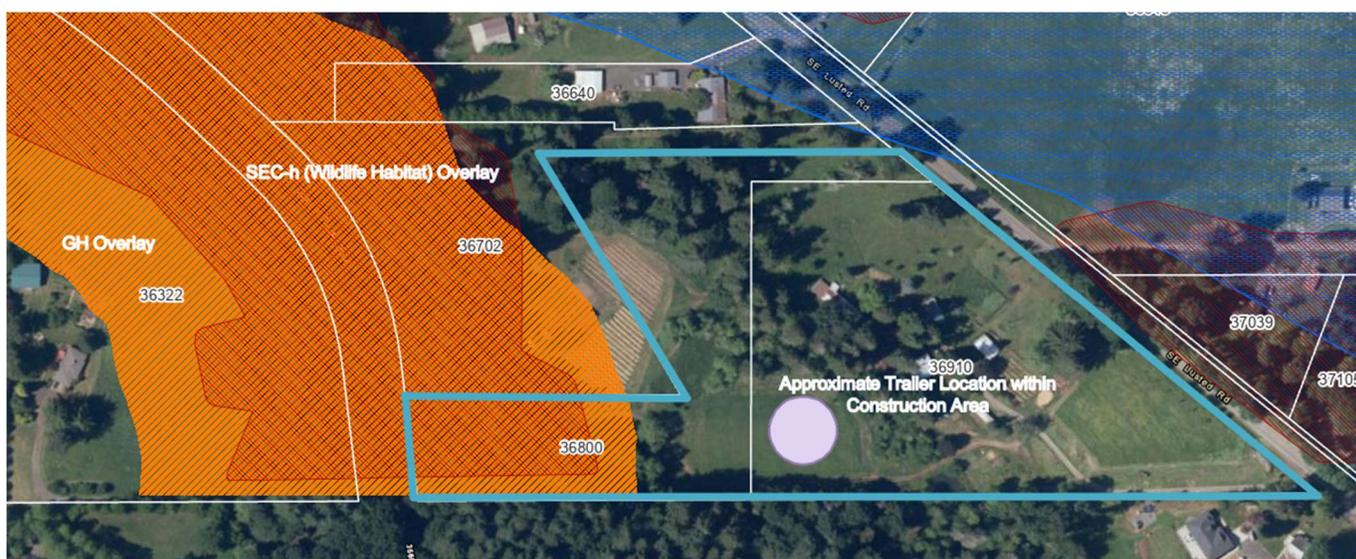
2.0 Property Description & History:

Staff: The property known as 36800 SE Lusted Rd is 5.0 acres in size. The property known as 36910 SE Lusted Rd is 7.95 acres in size. The properties are zoned Rural Residential (RR). The County has enacted overlays for Significant Environmental Concern for wildlife habitat (SEC-h), and Geologic Hazards (GH) on 36800 SE Lusted Rd. No overlays exist on 36910 SE Lusted Rd. The properties are outside of the urban growth boundary and located in the West of Sandy River rural area. As part of T3-2022-16220, the Portland Water Bureau was approved to construct a pipeline to handle fresh/raw water coming from the Bull Run Reservoir.

3.0 Public Comment and Issued Raised on Appeal:

Staff: Matters identified by the appellant and matters raised during the public comment period for T2-2025-0048 have been reviewed and are addressed below to assist in consideration of the appeal. Issues are also addressed under specific code criteria in latter sections of this staff report.

Protective Overlay Zones on Site - Appellants raised concerns that the placement of construction office trailers should have been reviewed under the standards of certain protective overlay zones, including SEC-h (Significant Wildlife Habitat), and GH (Geologic Hazards). As shown in the image below, these overlay zones (GH is shown in orange stripe, and SEC-h is shown in a red stripe) are located on other areas of the site (outlined in blue), at the southwest corner of the project site. The approved location of the construction office trailers, in the approximate location of the light purple circle, is outside the boundaries of all mapped protective overlay zones. Accordingly, the development standards associated with these overlay districts are not applicable to the proposed temporary use.



On-Site Sewer Disposal - The temporary trailers do not require on-site sewage disposal. This is a temporary construction site with sanitary stations, which are a typical construction activity. The

sanitary stations must be serviced by a DEQ-licensed pumper. The applicant maintains a contract with American Sani-can to service temporary on-site restroom facilities.

Stormwater – Appellants raised concerns that additional trailers would increase impervious surfaces and exacerbate stormwater runoff, negatively impacting sensitive area on the site.

T2-2025-0048 did not propose any additional ground disturbance beyond what was approved via the Erosion and Sediment Control Permit for the site (T1-2023-16751), or beyond what was reviewed and approved by T2-2024-0062, which is the case by which the construction trailers were first approved. The plans for T1-2023-16751 included all ground disturbance required to site the construction trailers, and showed the location of construction trailers. When T2-2024-0062 was approved, the applicant provided a Stormwater Drainage Control Certificate (signed by a Registered Professional Engineer licensed in Oregon) demonstrating compliance with the County’s stormwater requirements was provided and, also critically, given that the site plans for T2-2024-0048 were consistent with the existing Erosion and Sediment Control Permit (T1-2023-16571) for the site, it was staff’s understanding that compliance with ground disturbance and stormwater requirements were already, and remain, fully addressed.

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 to obtain Zoning Plan Review. The applicant provided lighting details, which were approved via Zoning Plan Review BP-2024-0107; the lighting specifications that were included in BP-2024-0107 are also included in Exhibit A.5 to this report. No changes have been made since the previous approval, and the applicant is required to comply with the Dark Sky Standards in the MCC. Appellants noted bright lights on the site. The Hearings Officer may want to consider requiring the applicant to provide photographs of lighting fixtures on the trailers to verify continued compliance with the Dark Sky Standards in MCC 39.6850.

Expiration of T2-2024-0062 – 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 directed PWB to either complete the land use application process or remove the trailers to resolve the MCC violation.

The issuance of initial decision for T2-2025-0048 resolved the MCC violation of the conditions of T2-2024-0062, unless the approval of T2-2025-0048 is overturned on appeal, in which case the applicant will need to remove all construction trailers from the site.

Sufficiency of the Public Notice – One comment expressed concern that notice for the project did not include distribution to organizations and individuals interested in the PWB Filtration and Pipelines project who were outside of the notice radius for T2-2025-0048. 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. The initial processing of T2-2025-0048 addressed the 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 for the PWB Filtration and Pipelines Project. Staff has confirmed that the property remains in its lawful configuration. *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 the construction field office 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.

Staff: The applicant is providing temporary on-site sanitary stations that are served by a DEQ-licensed pumper. Permanent septic systems are not required for construction activities.

(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 new impervious surfaces are proposed with this application. T2-2025-0048 did not propose any additional ground disturbance beyond what was approved via the Erosion and Sediment Control Permit for the site (T1-2023-16751), or beyond what was reviewed and approved by T2-2024-0062, which is the case by which the construction trailers were first approved. The plans for T1-2023-16751 included all ground disturbance required to site the construction trailers, and showed the location of construction trailers. When T2-2024-0062 was approved, the applicant provided a Stormwater Drainage Control Certificate (signed by an Registered Professional Engineer licensed in Oregon) demonstrating compliance with the County’s stormwater requirements was provided and, also critically, given that the site plans for T2-2024-0048 were consistent with the existing Erosion and Sediment Control Permit (T1-2023-16571) for the site, it was staff’s understanding that compliance with ground disturbance and stormwater requirements were already, and remain, fully addressed.

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

Staff: The light fixtures on the field office trailer were previously approved by Land Use Planning in BP-2024-0107 (Zoning Plan Review). No changes have been made to the light fixtures. Lighting details are included in Exhibit A.5. *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 trailer and finds that they continue to fit within the above categories of temporary uses. *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 the use of the field office trailer. 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
- ‘D’ Public Comment

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
A.8	21	Bull run Sani-Can Contract	2/18/2026
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for (Alt Acct# R649716640 / Property ID# R237226)	2/24/2026
B.2	2	Assessment and Taxation Property Information for (Alt Acct# R649716620 / Property ID# R237225)	2/24/2026
‘C’	#	Administration & Procedures	Date

C.1	2	150 Day Waiver	1/23/2026
C.2	4	Notice of Appeal & Payment Receipt	12/16/2025
C.3	2	T2-2025-0048 Hearing Notice	2/03/2026
C.4	8	T2-2025-0048 Decision (Appealed)	12/3/2025
C.4	10	Staff Report for Appeal of T2-2025-0048	2/25/2026
'D'	#	Public Comment	Date
D.1	1	Ciecko Comment	11/05/2025
D.2	1	Cottrell Community Planning Organization Comment	11/06/2025

