

NOTICE OF DECISION



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

Application for Temporary Permit

Case File: T2-2025-0058 **Applicant:** Robert Fraley, Portland Water Bureau

Proposal: Request for a Temporary Permit to place a construction administrative office trailer at the Intertie construction site.

Location: 33444 SE Lusted Rd, Gresham
Map, Tax lot: 1S4E21A-00900

Property ID # R342513
Alt. Acct. # R994210630

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 Wednesday, April 1, 2026 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: Wednesday, March 18, 2026

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

MUA-20 Zone: MCC 39.4315(A) Review Uses, Temporary uses..., MCC 39.4325(C), (G), (I) & (J) Dimensional Standards and Development Requirements

Temporary Permit: 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 April 2, 2026 to April 2, 2027. [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 Review**, the property owner(s) or their representatives shall:
 - a. Provide a signed Fire Service Agency Form for the construction office trailer documenting that the Fire Agency has reviewed the location of the improvements and they are acceptable. [MCC 29.004]
 - b. Provide fixture lighting details documenting compliance with the Dark Sky Lighting Standards. [MCC 39.4375(H), MCC 39.6850]
4. Prior to placement of the temporary trailer or temporary use approved by this permit, the property owner or their representative shall obtain all necessary permit from the City of Gresham. [MCC 39.1170(A), MCC 39.4375(F)]
5. The stormwater generated from the temporary office trailer shall be handled on-site through the existing stormwater system used during construction or by spreading onto the agricultural lands on the property. The newly placed trailer will not increase the runoff from the lot for the 10-year, 24-hour storm event. [[MCC 39.4375(F), MCC 39.6235]
6. All temporary trailer and temporary use shall cease within 5 days of expiration of the temporary permit. The temporary trailer shall be removed from the property within 30 days of the expiration of this permit.
 - a. If a new temporary permit is to be 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 or vacate the structure during the processing of a new permit. The process for obtaining a temporary permit shall follow the applicable Multnomah County Code at the time of application. [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/submitted-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.

<p>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.</p>

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 administrative office trailer on the above listed property during the installation of the Finished Water Pipeline improvements which is part of the Portland Water Bureau Water Filtration Facility and Pipeline project. The construction office trailer will be used by the contractor during the Intertie site construction.

2.0 Property Description & History:

Staff: This application is for 33444 SE Lusted Rd, Gresham (1S4E21A-00900). The subject property is located on the south side of SE 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) and has no overlays in the area of development.

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). 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:

* * *

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 a Lot of Record in T3-2022-16220. *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 temporary construction office trailer to use during the construction of the Intertie site and pipeline. 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

Staff: The construction office trailer meets the above minimum yard requirements (Exhibit A.3). The proposed office trailer is a single-story and meets the maximum height of 35 ft (Exhibit A.4. *Criteria 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: The floor plan shows no restroom will be located in the proposed trailer. The existing house on the property is located on the western side of the property away from all development. The proposed trailer is approximately 8-ft by 40-ft (320+/- sq. ft.). Pursuant to MCC 39.6235, engineered stormwater control is not required for new structures less than 500 sq. ft. The subject property is approximately 35.56 acres with the terrain falling from south to north. Any stormwater generated from the structure will be handled through the existing system used during construction. A condition of approval has been included that the newly placed trailer will not increase the runoff from the lot for the 10-year, 24-hour storm event. *As conditioned, the criteria will be 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 structure.

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 use of proposed temporary construction office trailer. The construction office trailer is to be used to assist in the construction activities for the Intertie site on the subject property. The applicant indicates that the trailer is needed for a full year. Land Use Planning finds that its use fits 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 construction office trailer in the Multiple Use Agriculture-20 (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	10/22/2025
A.2	25	Ekstrom Easements	10/22/2025
A.3	1	Site Plan	10/22/2025
A.4	5	Elevations and Floor Plan Drawings	10/22/2025
A.5	1	Narrative	10/22/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E21A-00900 (Alt Acct# R994210630 / Property ID# R342513)	10/22/2025

B.2	1	Current Tax Map for 1S4E21A	2/26/2026
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (Day 1 – 11/21/2025)	01/22/2026
C.2	2	Opportunity to Comment	01/30/2026
C.3	7	Decision	03/18/2026