

# NOTICE OF DECISION



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## Application for Temporary Permit

**Case File:** T2-2026-0030

**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 Portland Water Bureau's Water Filtration Facility project.

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**Location:** 35524 SE Carpenter Lane, Gresham

**Property ID #** R342614 & R342552

**Map, Tax lot:** 1S4E22D-00300 & -00200

**Alt. Acct. #** R994220930 & R994220290

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

**Overlays:** None

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, August 10, 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](mailto: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](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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

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**Issued by:** *Lisa Estrin*

Lisa Estrin,  
Senior Planner

**For:** Megan Gibb,  
Planning Director

**Date:** Monday, July 27, 2026

## Vicinity Map



### Applicable Approval Criteria:

**Multnomah County Code (MCC):** MCC 39.1170(A) Conditions of Approval..., MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – MUA-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

Subject to MCC 39.1170(A), all county decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be met. 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, 2026 to August 17, 2027. [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 complies with this approval and is consistent with supporting 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)]

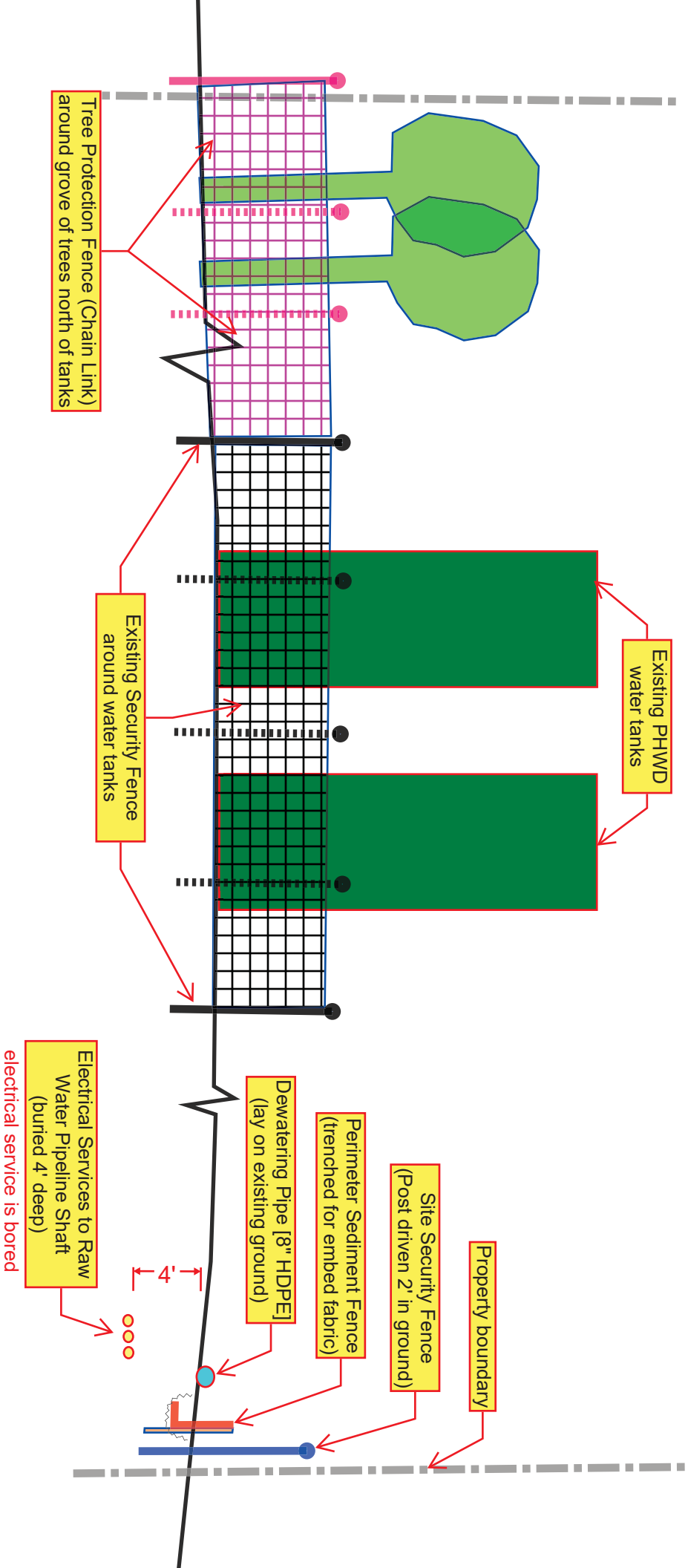
3. Use of the property shall cease upon expiration of this permit, and all improvements associated with the construction of the water filtration facility shall be removed from the property within 30-days of the expiration of this permit unless an extension or new temporary permit is granted. If an extension or 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. [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.



# PHWD: N-S Section View - Sketch of proposed Work



## 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 the continuation of 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.4, A.5 & A.6).

The County has issued prior temporary permits for these activities in the past. T2-2025-0042 expires on August 17, 2026.

### 2.0 Property Description & History:

**Staff:** This application is for 35525 SE Carpenter Lane, Gresham. The subject property is located on the south side of Carpenter Lane 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 environmental overlays.

The property is occupied by the Pleasant Home Water District’s two water towers. The site is accessed via easement as it has no public right-of-way adjacent to it.

### 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.XX). Staff did or did not receive public comments 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.

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.**

\* \* \*

### **§ 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 § 39.4315 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 requested a Temporary Permit to allow the continued use of the Pleasant Home Water District’s property for limited construction activities during the development of the adjacent property for the Portland Water Bureau’s Water Filtration Facility. The findings for MCC 39.8750 are under Section 7.0 below.

### **6.2 § 39.4325 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 temporary permit allows the continued use of Pleasant Home Water District's site for limited construction activity. The dewatering pipe and perimeter sediment fence were found to meet the above requirements in past permits. These improvements are less than 30-inches in height and may be located within required yard areas pursuant to MCC 39.2000 Definitions, Yard (Exhibit A.4 & A.5). Fences under 6-ft in height or less may be located within required yards. *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:** 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.

**(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 continuation of the temporary uses on the Pleasant Home Water District (PHWD) property. Land Use Planning finds that the continued use of an existing gravel road, fire hydrant, security fencing, 8-inch dewatering pipe, temporary electrical service lines, erosion control fencing and tree protection fencing on the PHWD property during the development of the PWB's Water Filtration Facility project on the adjacent property remain as temporary uses of the site. While this is the third temporary permit granted for the site, the uses are temporary in nature and will cease upon completion of the development. Conditions of approval have been included to ensure compliance with this permit. [MCC 39.1170(A) & MCC 39.8750].

## 8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Temporary Permit to allow the continued use of the PHWD's property 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](mailto:LUP-comments@multco.us).

| Exhibit # | # of Pages | Description of Exhibit                                                                                      | Date Received / Submitted |
|-----------|------------|-------------------------------------------------------------------------------------------------------------|---------------------------|
| A.1       | 2          | Application Form                                                                                            | 6/11/2026                 |
| A.2       | 8          | T2-2025-0042 Notice of Decision                                                                             | 6/11/2026                 |
| A.3       | 7          | PHWD Temporary Construction Easement                                                                        | 6/11/2026                 |
| A.4       | 1          | Site Plan                                                                                                   | 6/11/2026                 |
| A.5       | 1          | Section View (North – South)                                                                                | 6/11/2026                 |
| A.6       | 1          | Code Narrative                                                                                              | 6/11/2026                 |
| 'B'       | #          | Staff Exhibits                                                                                              | Date                      |
| B.1       | 2          | Assessment and Taxation Property Information for 1S4E22D-00300 (Alt Acct# R994220930/ Property ID# R342614) | 6/11/2026                 |
| B.2       | 2          | Assessment and Taxation Property Information for 1S4E22D-00200 (Alt Acct# R994220290/ Property ID# R342552) | 7/01/2026                 |
| B.3       | 1          | Current Tax Map for 1S4E22D                                                                                 | 7/01/2026                 |
| 'C'       | #          | Administration & Procedures                                                                                 | Date                      |
| C.1       | 1          | Complete letter (day 1)                                                                                     | 7/02/2026                 |
| C.2       | 4          | Opportunity to Comment                                                                                      | 7/07/2026                 |
| C.3       | 7          | Decision                                                                                                    | 7/27/2026                 |