

NOTICE OF DECISION



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

Application for Temporary Permit

Case File: T2-2026-0035

Applicant: Robert Fraley, Portland Water Bureau

Proposal: Request for a Temporary Permit for the continued use of a temporary construction entrance/private driveway.

Location: 33334 SE Lusted Rd, Gresham

Property ID # R342464

Map, Tax lot: 1S4E21A-01000

Alt. Acct. # R994210050

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 Thursday, August 20, 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:

Thursday, August 6, 2026

Vicinity Map

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Applicable Approval Criteria:

Multnomah County Code (MCC): 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, MCC 39.4315(A) Review Uses, Temporary Uses, MCC 39.4325 Dimensional Requirements and Development Standards, and 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 decisions 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 September 5, 2026 to September 5, 2027.
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. The Temporary Construction Entrance/Driveway shall cease being used and shall be closed and de-construction started within 5 days of the expiration of this permit as specified by Condition No. 1, unless a new temporary permit is granted.

- a. The area of the temporary construction entrance/driveway and its surrounding shall be returned to its original condition and vegetated within 30 days of expiration of this permit. [MCC 39.8750 & MCC 39.1170(A)]
4. **As an on-going condition**, the property owner(s) shall prevent the tracking of dirt and debris onto the public right-of-way. Vehicle wheels shall be cleaned before leaving the site and all truck beds containing materials shall be covered. [T1-2026-0023, T1-2023-16571]

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 for the continued use of a temporary construction entrance/driveway adjacent to the Finished Water Intertie construction site to facilitate truck movements on and off of SE Lusted Road. The Intertie development was approved by land use permit, T3-2022-16220.

2.0 Property Description & History:

Staff: This application is for 33334 SE Lusted Road, Gresham. 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). No overlays exist on the site.

The property is occupied by a single-family dwelling with attached garage and is 1.86 acres (minus ½ public right-of-way width) according to the County Assessor.

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: A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

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 each a Lot of Record in T2-2025-0008. *Criterion met.*

6.0 Multiple Use Agriculture – 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 a temporary construction entrance/driveway adjacent to the Finished Water Intertie construction site to facilitate truck movements on and off of SE Lusted Road. 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 construction entrance does not involve any physical improvements over 30-inches high and as such it may be located in the above Yard requirements pursuant to MCC 39.2000 Definitions, Yard. *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.

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

Staff: The applicant is proposing to continue the use of the temporary graveled construction entrance. It will not affect the existing septic system for the dwelling. No new impervious surfaces are being proposed. No new lighting is proposed at this time. *Criteria 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 continuation of the temporary graveled construction entrance/driveway on the subject property and finds that it falls within other uses of a temporary nature. The need for the temporary construction entrance is related to the construction of the approved Portland Water Bureau's Intertie facility and once it is completed the driveway will no longer be needed. Conditions of approval have been included to ensure compliance with this permit. [MCC 39.1170(A) & MCC 39.8750].

9.0 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 a temporary construction entrance/driveway 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	7/01/2026
A.2	1	Narrative	7/01/2026
A.3*	1	Site Plan	7/01/2026
A.4	16	Zoning Plan Review (BP-2025-0100)	7/01/2026

A.5	9	T2-2025-0008 Temporary Permit Decision	7/01/2026
A.6	1	Additional Narrative dated June 29, 2026	7/01/2026
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E21A-01000 (Alt Acct# R994210050/ Property ID# R342464)	7/01/2026
B.2	1	Current Tax Map for 1S4E21A	7/08/2026
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	7/08/2026
C.2	3	Opportunity to Comment	7/14/2026
C.3	8	Decision	8/06/2026