NOTICE OF DECISION

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

Application for Temporary Permit

Case File:	T2-2026-0042	**Applicant**:	Robert Fraley, Portland Water Bureau
Proposal:	Request for a temporary permit for the continued use of a construction office trailer associated with the construction of the Intertie facility site located at 33444 SE Lusted Rd. The Intertie facility was approved by land use permit, T3-2022-16220.		

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, November 5, 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

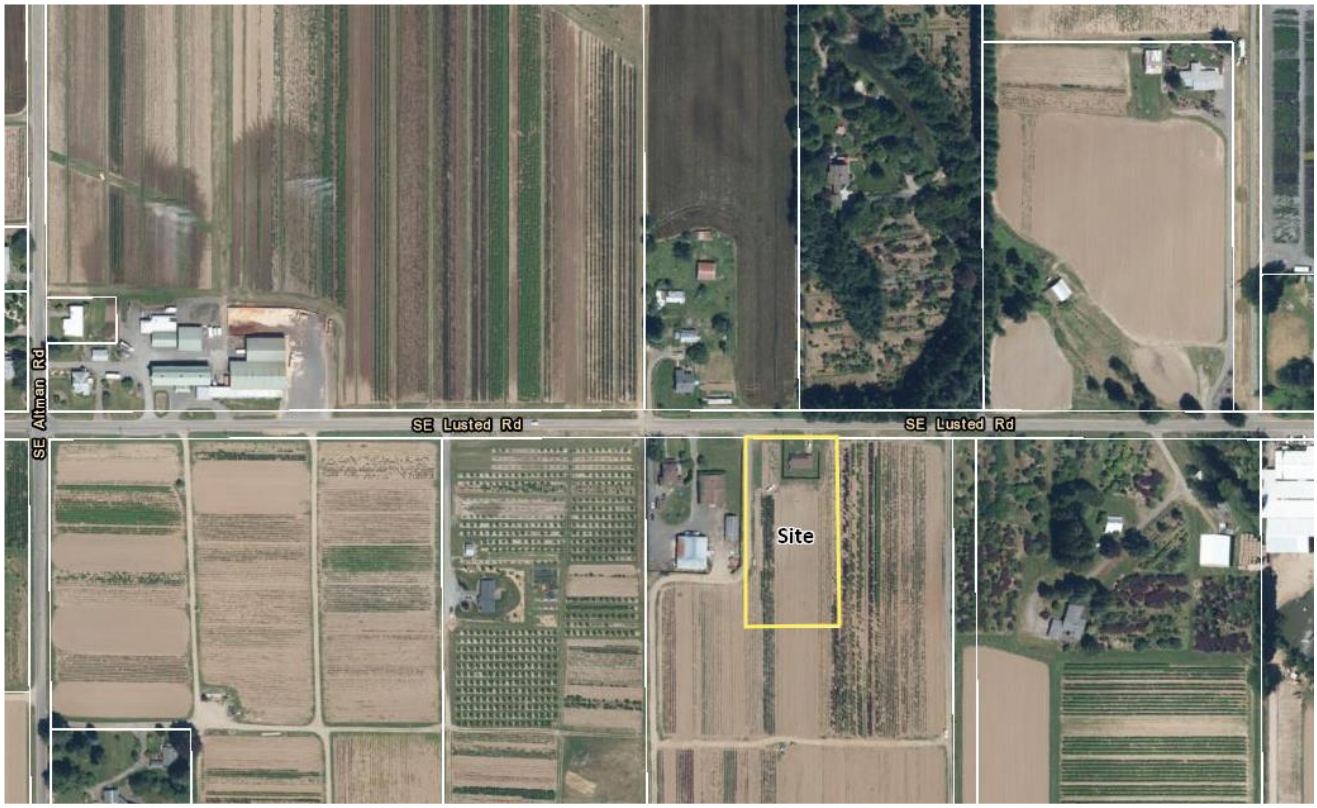
Issued by: Lisa Estrin

Lisa Estrin, Senior Planner

For: Megan Gibb,
Planning Director

Date: Thursday, October 22, 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.

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

Multiple Use Agriculture – 20 (MUA-20): MCC 39.4315(A) Review Uses, Temporary Uses, MCC 39.4325 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 temporary permit runs from October 11, 2026 to October 11, 2027. [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 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. All exterior lighting used on a temporary structure or building shall meet the applicable lighting standards of MCC 39.6850(C)
4. The temporary construction office trailer shall cease being used upon expiration of this permit and shall be removed from the property within 30 days of the expiration of this permit unless a new temporary permit is granted. [MCC 39.1185(E), MCC 39.1185(G), and MCC 39.8750(A)]
5. No Connex storage trailers or any other temporary structures may be placed on the subject property without first obtaining a temporary permit.

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 construction office trailer at 33334 SE Lusted Rd, Gresham in association with on-going construction activities approved by land use permit, T3-2022-16220.

2.0 Property Description & History:

Staff: This application is for 33334 SE Lusted Rd, Gresham, which is adjacent to the Intertie facility site. The subject property is located on the south side of SE Lusted Rd in unincorporated east Multnomah County outside of Metro's Urban Growth Boundary (UGB). The subject property is zoned Multiple Use Agriculture – 20 (MUA-20). There are no overlays on the subject property.

The property is occupied by a single-family dwelling and is 1.86 acres 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.3). 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: 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.

*** * ***

Staff: The subject property was found to be a Lot of Record in T2-2015-4092 and 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 construction office trailer on the subject property for the construction of the Intertie facility (Exhibit A.1). 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 construction office trailer meets the above minimum yard and height requirements (Exhibit A.7 & B.3). *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 location of the temporary construction office does not affect the septic system for the existing dwelling on the subject property (Exhibit A.7). The temporary trailer will continue using gutter and splash blocks to handle stormwater (Exhibit B.3).

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

Staff: The applicant in the initial temporary permit for the trailer submitted a light fixture that meets the County's Dark Sky Lighting Standard (Exhibit B.3). A condition of approval has been included that all exterior lighting used on temporary structures meet MCC 39.6850.

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 continued use of the temporary construction office trailer on the subject property and finds that it falls within other uses of a temporary nature. The construction office trailer is 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].

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 the construction office trailer at 33334 SE Lusted Road 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	8/06/2026
A.2	17	Temporary Construction Easement	8/06/2026
A.3	8	T2-2025-0001 Temporary Permit (Expires 10.11.26)	8/06/2026
A.4	1	Site Plan (FWI-CE-1002)	8/06/2026
A.5	1	Code Narrative	8/18/2026
A.6	2	Revised Site Plan from T2-2025-0001	8/18/2026
A.7	1	Revised Site Plan Aerial	9/08/2026

'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E21A-01000 (Alt Acct# R994210050 / Property ID# R342464)	8/06/2026
B.2	1	Current Tax Map for 1S4E21A	9/29/2026
B.3	8	BP-2024-0134 Zoning Plan Review approved 10.15.2025 (page 1) a. Stamped Site Plan (page 2) b. Erosion Control Details (page 3) c. Foundation Plans (page 4) d. Stormwater Drainage Control Certificate (page 5) e. Lights (pages 6 - 8)	9/29/2026
'C'	**#**	**Administration & Procedures**	**Date**
C.1	2	Incomplete letter	8/17/2026
C.2	1	Complete letter (day 1)	9/28/2026
C.3	3	Opportunity to Comment	9/30/2026
C.4	7	Decision	10/22/2026