

STAFF REPORT



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Appeal of Approval for a Temporary Permit for Construction Trailers

Case File: T2-2025-0046

Applicant: Bonita Oswald, Portland Water Bureau

Proposal: Request for a temporary permit for the placement of construction office trailers to be used at the approved Portland Water Bureau Filtration and Pipelines Project during its construction

Location: 35525 SE Carpenter Ln, Gresham

Property ID # R342603 & R342619

Map, Tax lot: 1S4E22D-00100 &
1S4E22D-00400

Alt. Acct. # R994220980 & R994220820

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

Overlays: Significant Environmental Concern for water resources (SEC-wr), Significant Environmental Concern for wildlife habitat (SEC-h), and Geologic Hazards

Vicinity Map

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Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – MUA-20, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards.

Multiple Use Agriculture – 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.

Recommended Decision

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

Recommended 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. **Dark Sky Lighting** – The Hearings Officer may consider requiring the applicant to submit images of installed lighting on the construction trailers demonstrating compliance with MCC 39.6850 to address concerns of appellants.
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 T2-2025-0046 was from November 25, 2025 to November 25, 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** – Use of all temporary trailers shall cease upon expiration of this permit, and all trailers shall be removed from the property within 30-days of the expiration of this permit unless a 12-month Extension or 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

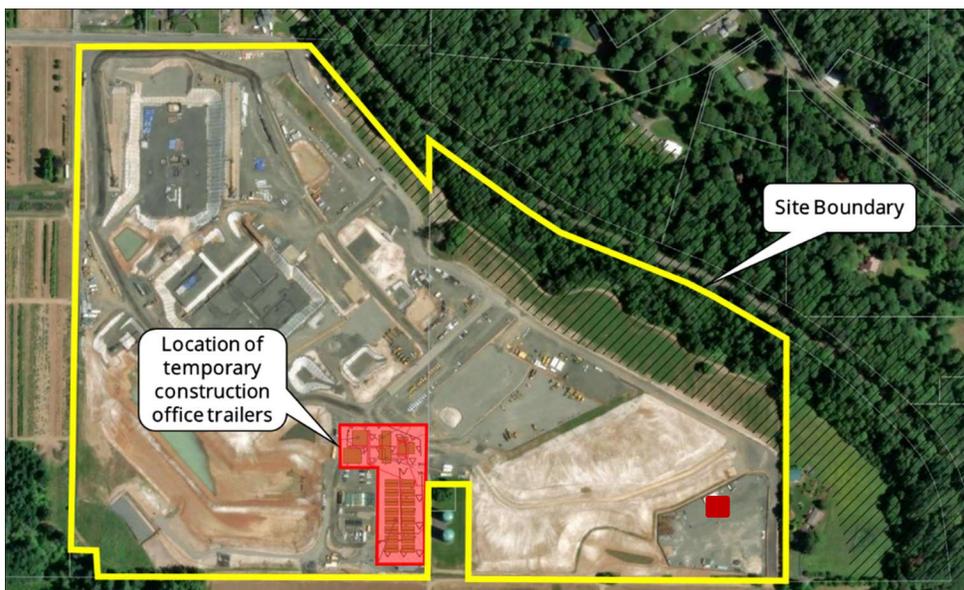
FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: Through Case T2-2025-0046 the applicant requested, and received, approval of a Temporary Permit to allow the placement of multiple construction office trailers (occupied structures) on a portion of the Portland Water Bureau (PWB) Filtration and Pipelines Project site.

The temporary construction office trailers under review through T2-2025-0046 were originally sited through a 2024 land use review (T2-2024-0060), and finalized in Zoning Plan Review (BP-2024-0093), which was approved after prior to PWB obtaining building permits from the City of Gresham. The applicant has not moved the trailers since their initial placement. T2-2024-0060 expired on September 7, 2025. The application for T2-2025-0046 was submitted on September 2, 2025. The original decision for T2-2025-0046 was issued on November 25, 2025.

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 and the Erosion and Sediment Control Permit include multiple properties, including the two properties at 35525 SE Carpenter Lane, on which the trailers are located (Map, Tax lot: 1S4E22D-00100 & 1S4E22D-00400, Alt. Acct. # R994220980 & R994220820).



The construction field office trailers are to be used by the contractors, MWH-Kiewit, Portland Water Bureau, and subcontractors during the facility's construction.

The construction trailers are located outside of all mapped environmental and geologic hazard overlays.

2.0 Property Description & History:

Staff: The subject property on 35525 SE Carpenter Ln, Gresham is approximately 93.49+/- acres and is under construction of the Portland Water Bureau's new Water Filtration Facility under land use permit T3-2022- 16220. The Tax IDs for the site are 1S4E22D-00100 and 1S4E22D-00400. The property is located in the West of Sandy River rural area. The property is outside of the urban growth boundary in unincorporated west Multnomah County.

The property is zoned Multiple Use Agriculture – 20 and has overlays for Significant Environmental Concern for water resources (SEC-wr) and wildlife habitat (SEC-h), Geologic Hazards (GH) and Flood Hazards (FH). The temporary uses under review through this casefile are not located with the SEC, Geologic Hazard, or Flood Hazard overlays.

3.0 Public Comment and Issued Raised on Appeal

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).

Staff received four public comment letters on this application. The letters are summarized below and the issues are responded to later in this Staff Report.

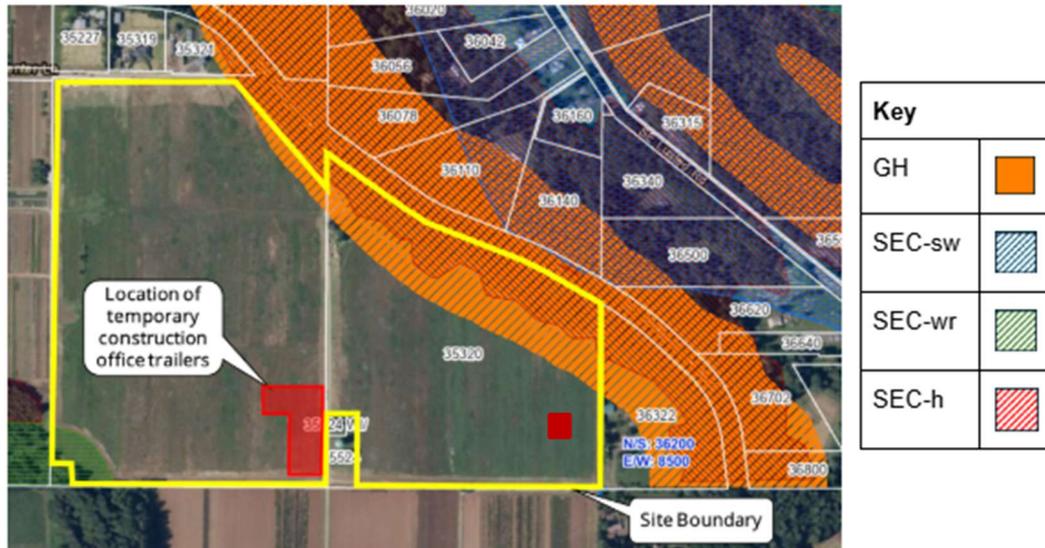
Exhibit D.1 - Comment from Charles Ciecko, sent on October 16, 2025. This email requested an extension of the time period for this application, among others.

Exhibit D.2 - Comment from Cottrell Community Planning Organization (CCPO) regarding this case (T2-2025-0046) and T2-2025-0046. The comments in the letter focus on proposed actions with steep slopes and the Geologic Hazard (GH) areas and concerns about stormwater run-off and bank integrity. The temporary construction trailers being reviewed under this application are not located in the GH, flood hazard, or SEC overlays. The letter also noted that the Portland Water Bureau filtration facility permit has been appealed to the Oregon Land Use Board of Appeals (LUBA); the applicant is permitted to apply for additional land use approvals while the application is appealed to LUBA, and the County is required to be responsive to submitted applications.

Exhibit D.3 – Comment from Chris Courter regarding a parking area and several laydown areas. These comments are related to a different land use case (T2-2025-0034) which had a similar public comment period. T2-2025-0046 is considering approval of temporary construction trailers not located in any SEC overlay zones.

Exhibit D.3 - Comment from Suzanne Courter addressing impacts to the SEC and GH overlays. The proposed temporary uses are located outside of these overlay zones. This application is specifically limited to the placement of temporary construction trailers to support the construction of a permitted use.

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), SEC-wr (Significant Water Resources), and GH (Geologic Hazards). As shown in the figure below, portions of these overlay zones are located on other areas of the site, primarily toward the eastern and northeastern portions of the property. The approved location of the construction office trailers, identified in red on the figure, 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 Sewage Disposal – In its decision previously approving a Temporary Use Permit for the construction office trailers via T2-2024-0060 (Exhibit A.6 of the T2-2025-0046 Decision), Multnomah County determined that the sanitary stations associated with an approved development constitute normal construction activity and therefore do not require separate review under a Temporary Use Permit. The sanitary stations are serviced by a licensed professional pumper. As reflected in the findings of that prior approval, the County Sanitarian also reviewed the proposal and found it acceptable.

The proposed office trailers do not require sewer connection, and no expansion, intensification, or relocation of the previously approved temporary construction office trailers is proposed with this application.

Stormwater - T2-2025-0046 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 T2-2024-0060, 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 T2-2024-0060 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 T2-2024-0046 were consistent with the existing Erosion and Sediment

Control Permit (T1-2023-16571) for the site, it was staff's determination that compliance with ground disturbance and stormwater requirements were already, and remain, fully addressed.

Dark Sky Standards – The approval of T2-2024-0060 included a condition of approval (Condition 3.a) that required the applicant to provide fixture lighting details in order to document compliance with Dark Sky Lighting Standards at the time of Zoning Plan Check Review (BP-2024-0093). The applicant has an on-going responsibility to comply with Dark Sky Standards on the construction trailers. 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.

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: The County received a code compliance complaint related to the use of construction trailers on the site after the expiration of casefiles T2-2024-0060 and T2-2024-0062, which were administered under code compliance case numbers CCINT-2025-0052 and CCINT-2025-0053. 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. This casefile, T2-2025-0046 will remedy a portion of the code complaint issue.

The temporary construction office trailers under review through T2-2025-0046 were originally sited through a 2024 land use review (T2-2024-0060), and finalized in Zoning Plan Review (BP-2024-0093), which was approved after prior to PWB obtaining building permits from the City of Gresham. The applicant has not moved the trailers since their initial placement.

T2-2024-0060 expired on September 7, 2025. The application for T2-2025-0046 was submitted on September 2, 2025. The original decision for T2-2025-0046 was issued on November 25, 2025.

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 subject property was found to be two Lot of Records in T2-2024-16220. In T1-2023-16600, the property owner applied for a Lot Consolidation application. When they complete the steps the two parcels will be combined into a single parcel and a single Lot of Record.

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 MCCC 39.8700 and 39.8750

Staff: The applicant has requested approval of construction trailers as temporary use during the construction of the 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

Staff: The proposed location of the construction office trailer complies with the above yards. The applicant provided elevation drawings in Exhibit A.5 showing that the construction office trailers are 16 feet in height and will not exceed the 35-foot maximum structure height.

(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 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.

No new impervious surfaces are proposed with this application. T2-2025-0046 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 T2-2024-0060, 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 T2-2024-0060 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 T2-2024-0046 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.

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

Staff: A condition of the 2024 approval was for the applicant to provide lighting details regarding the light fixtures to be used on the temporary structures and site. No changes have been made to lighting since the previous approval. The applicant has an on-going responsibility to comply with Dark Sky Standards on the construction trailers. 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.

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 trailers and finds that they fit within the above categories of temporary uses. [MCC 39.1170(A)]

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary to approve a Temporary Permit for temporary construction trailers 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
- ‘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	9/2/2025
A.2	1	Code Narrative	9/2/2025
A.3	1	Site Plan C1	9/2/2025
A.4	1	Site Plan D1	9/2/2025
A.5	1	Elevation and Floor Plan Drawing	9/2/2025
A.6	9	T-2024-0060 Previous Approval	9/2/2025
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E22D-00400 (Alt Acct# R994220980/ Property ID# R342619)	
B.2	2	Assessment and Taxation Property Information for 1S4E22D-00400 (Alt Acct# R994220820/ Property ID# R342603)	
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	9/29/25
C.2	4	Opportunity to Comment	10/1/25
C.3	8	T2-2025-0046 Notice of Decision	11/25/2025
C.4	2	150-Day Waiver	12/16/2025
C.5	2	Hearing Notice	2/03/2025
'D'	#	Public Comment & Appeal	Date
D.1	1	Ciecko Comment	10/17/2025
D.2	1	Cottrell Community Planning Organization Comment	10/17/2025
D.3	1	Chris Courter Comment	10/17/2025
D.4	1	Suzanne Courter Comment	10/17/2025
D.5	3	Notice of Appeal & Payment Receipt	12/04/2025