

## NOTICE OF DECISION

**Case File:** T2-2020-12995

**Permit:** Temporary Use Permit

**Applicant:** Ben Jacob, Lusted Water District      **Owner:** Lusted Water District

**Location:** Adjacent to SE 282<sup>nd</sup> Ave. and SE Powell Valley Rd., Gresham  
Tax Lot 6500, Section 19BB, Township 1 South, Range 4 East, W.M.  
Alternate Account #R994191190      Property ID #R342214

**Base Zone:** Orient Commercial Industrial (OCI)

**Overlays:** None

**Proposal Summary:** The applicant requests a Temporary Permit to utilize the subject property as a construction staging area for an upcoming water pipeline construction project. Construction equipment, materials, and temporary structures will be stored on the subject property for the duration of the permit.

**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, June 4, 2020 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at [chris.liu@multco.us](mailto:chris.liu@multco.us)

**Opportunity to Appeal:** An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

**Issued by:**  **Chris Liu**  
Digitally signed by Chris Liu  
Date: 2020.05.20 10:03:38 -07'00'

**By:** Chris Liu, Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Thursday, May 21, 2020



### **Applicable Approval Criteria:**

**Multnomah County Code (MCC):** Multnomah County Code (MCC): MCC 39.8750 Temporary Permits for Certain Uses, MCC 39.4665 Review Uses, (G) Temporary Uses, MCC 39.4680(B), (C), (E) - Dimensional Requirements and Development Standards (OCI Zone), MCC 39.6850 Dark Sky Lighting Standards.

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: **Chapter 39 - Zoning Code**

### **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. 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.

1. Permit Expiration - This permit shall **expire one (1) year from the date this decision is final**. Expiration of the permit is automatic and the permit is not eligible for renewal. To potentially continue the temporary use, a new land use application shall be submitted to County Land Use Planning for consideration. [MCC 39.8750(A)]
2. The proposed portable toilet units to support the temporary construction staging area use, shall be installed and regularly maintained by an Oregon Dept. of Environmental Quality (DEQ) – licensed sewage disposal service. The portable toilet units shall be removed from the property at the expiration of the approved temporary use. [MCC 39.4680(E)]

3. Exterior Lighting – any proposed exterior lighting shall comply with the Dark Sky Lighting Standards of MCC 39.6850. The applicant shall provide lighting details to County Land Use Planning for review and approval prior to the installation of any exterior lighting.

**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 PROPOSAL:**

**Staff:** The applicant requests a Temporary Permit to utilize the subject property as a construction staging area for an upcoming water pipeline construction project. Construction equipment, materials, and temporary structures will be stored on the subject property for the duration of the permit. The subject property is located in unincorporated rural East Multnomah County, adjacent to the eastern boundary of the City of Gresham, and outside of the Metro urban growth boundary. The subject property currently contains a single outbuilding; however, it is not included as part of this proposed Temporary Use.

### **2.0 GENERAL PROVISIONS:**

#### **2.1 MCC 39.1515 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 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**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

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**Staff:** As noted in Section 1.0 this proposal is for a temporary use permit to utilize the subject property as a construction staging area for an off-site water pipeline construction project that will be completed by the Lusted Water District. This project is necessary to protect public safety as it relates to repair of existing utility infrastructure (water service) for the rural area. *Therefore, this standard is not applicable.*

#### **2.2 MCC 39.6850 Dark Sky Lighting Standards**

**(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all**

existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

**Staff:** The applicant has not proposed any exterior lighting at this time (Exhibit A.5 - A.6). A condition of approval is included to ensure that any exterior lighting will comply with the Dark Sky Lighting standards. *As conditioned, the above criteria is met.*

### **3.0 TEMPORARY PERMITS:**

#### **3.1 MCC 39.4665 Review Uses – OCI Zone**

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(G) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

**Staff:** The criteria for MCC 39.8750 are discussed in section 3.2 below. *Criterion met.*

#### **3.2 MCC 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:** The Lusted Water District requests a temporary permit to utilize the subject property as a construction staging area for an upcoming water pipeline construction project. Construction equipment, materials, and temporary structures will be stored on the subject property for the duration of the permit as outlined in Exhibit A5 - A.6. Temporary structures include: Ten (10) 20 feet long steel shipping containers, Two (2) mobile offices, and Two (2) portable toilet units. A condition of approval is included that limits the duration this temporary permit to one (1) year from the date of final decision. *As conditioned, the above criteria are met.*

### **4.0 OCI ZONE CRITERIA:**



#### 4.1 MCC 39.4680 Dimensional Requirements and Dimensional Standards

##### (B) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet**

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**(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

**Staff:** As shown on the site plan submitted as Exhibit A.6, the proposed temporary structures have a minimum yard of 30 feet from all property lines. Per the elevation drawings included as Exhibit A.7, the maximum structure height is 9 feet. The County right-of-way office received a notice of opportunity to comment. The right-of-way office did not respond to indicate that additional right-of-way would be necessary for this proposed temporary permit. *Criteria met.*

#### 4.2 (E) 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.

**Staff:** The County Sanitarian provided written confirmation that the proposed temporary portable toilet units to support the temporary construction staging area use complies with DEQ requirements (Exhibit B.2). Per OAR 340-071-0600, the toilets shall be installed and regularly maintained by a DEQ-licensed sewage disposal service. The applicant acknowledged their understanding of the requirement and indicated they would obtain a service contract that reflects the above (Exhibit A.5). A condition of approval is included in this decision to ensure compliance with the DEQ requirements for temporary portable toilet units. *As conditioned, this criterion is met.*

### 5.0 PUBLIC COMMENT:

#### 5.1 Comment from Tom Klovski, neighboring property owner

**Klovski inquired as to the details of the pipeline replacement project including: where the project will take place, added traffic to surrounding streets, and if the traffic would be limited to higher traffic streets (i.e. 282<sup>nd</sup> Ave. and Orient).**

**Staff:** Staff briefed Klovski on the limitations of this specific land use review, which focuses on the ability to use the subject property as a temporary construction staging area. This review does not relate to the actual installation of the pipes within the public right-of-way or other

associated activities. Klovski was referred to the County Right-of-way office, as they may evaluate these traffic related concerns as part of the right-of-way permit.

## 6.0 EXHIBITS:

‘A’ Applicant’s Exhibits

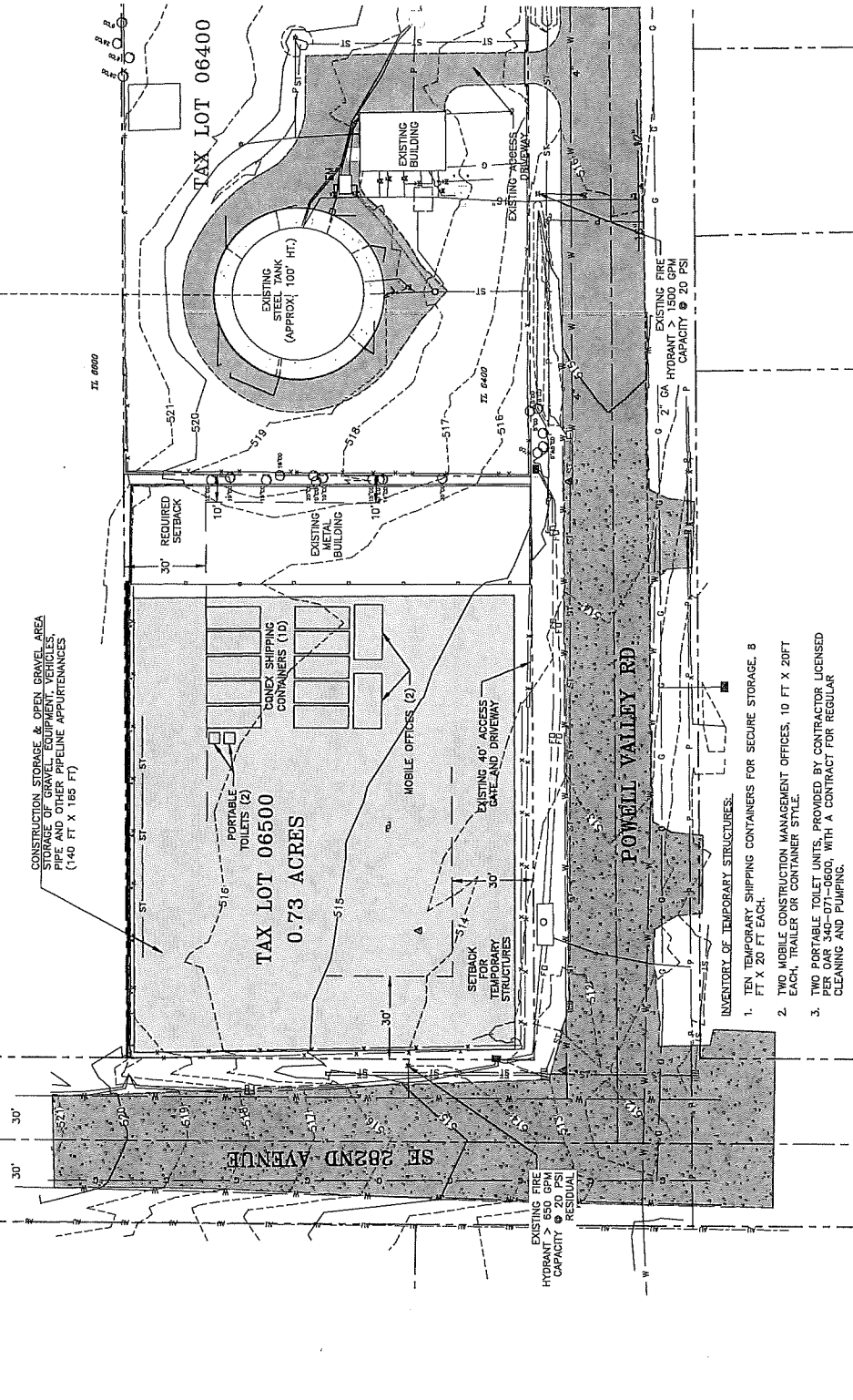
‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2020-12995 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	02.13.2020
A.2	4	Circuit Court Judgement – Order for Immediate Possession	02.13.2020
A.3	3	Status of Record Title	02.13.2020
A.4	4	Fire Service Agency Review	04.01.2020
A.5	2	Revised Project Narrative	04.01.2020
A.6*	1	Site Plan	04.01.2020
A.7*	3	Elevation Drawings and Floor Plans for proposed temporary structures	05.19.2020
‘B’	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1S4E19BB -06500 (R994191190)	02.13.2020
B.2	2	Email from Multnomah County Sanitarian	04.09.2020
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter & Applicant Response	02.27.2020
C.2	1	Complete Letter (day 1)	04.01.2020
C.3	3	Opportunity to Comment	04.07.2020
C.4	7	Administrative Decision	05.20.2020
‘D’	#	Comments Received	Date
D.1	1	Comments from Tom Klovski, neighboring property owner	04.22.2020

TOWNSHIP 1 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN  
SECTION 19, MAP BB



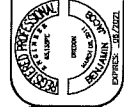
INVENTORY OF TEMPORARY STRUCTURES:

1. TEN TEMPORARY SHIPPING CONTAINERS FOR SECURE STORAGE. 8 FT X 20 FT EACH.
2. TWO MOBILE CONSTRUCTION MANAGEMENT OFFICES. 10 FT X 20FT EACH, TRAILER OR CONTAINER STYLE.
3. TWO PORTABLE TOILET UNITS. PROVIDED BY CONTRACTOR LICENSED PER OAR 340-071-0600, WITH A CONTRACT FOR REGULAR CLEANING AND PUMPING.

TEMPORARY CONSTRUCTION STAGING AREA  
WATER PIPELINE CONSTRUCTION PROJECT, TAX LOT 6500



BAR IS ONE INCH ON  
ORIGINAL DRAWING.  
ADJUST SCALE  
ACCORDINGLY.



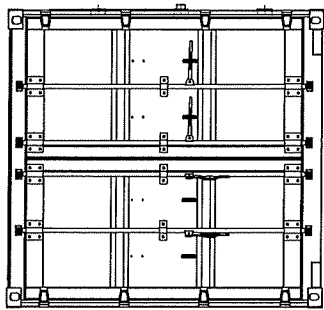
LUSTED WATER DISTRICT  
P.O. BOX 1005  
GRESHAM, OREGON 97030  
PHONE (503) 652-3059

LUSTED WATER DISTRICT  
POWELL VALLEY WATER SUPPLY FACILITY  
TEMPORARY LAND-USE SITE PLAN  
TAX LOT 6500

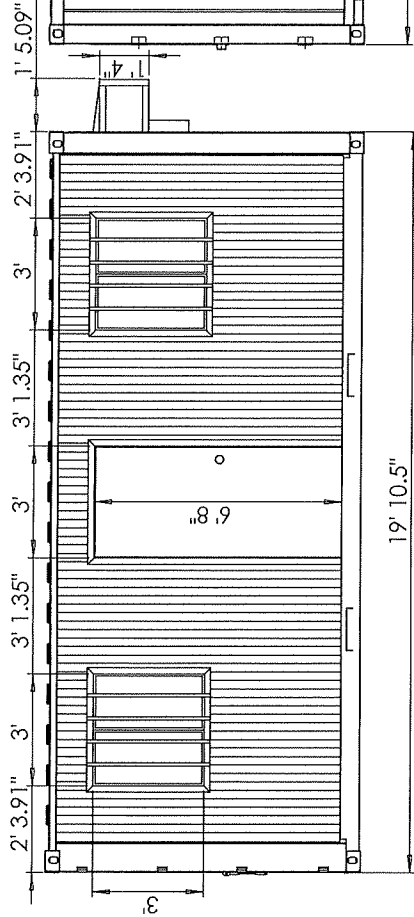
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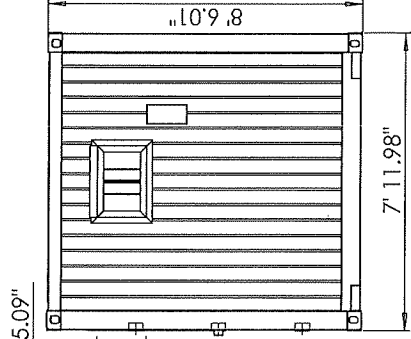
FRONT SIDE VIEW



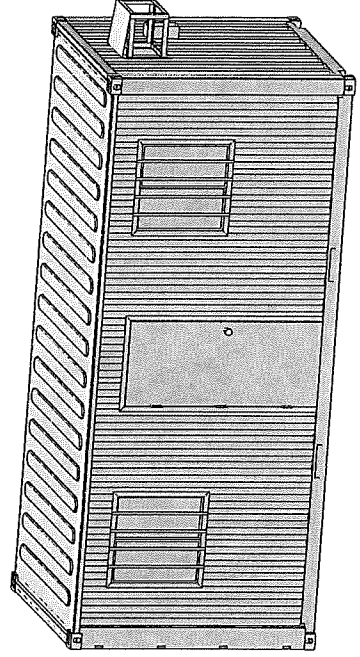
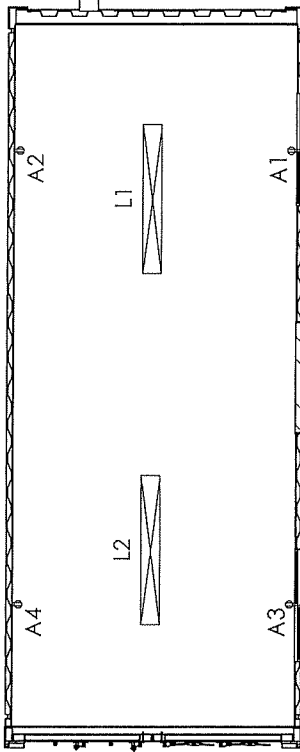
RIGHT SIDE VIEW



REAR SIDE VIEW



ELECTRIC PLAN



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GENERAL NOTES

1. IF YOU HAVE QUESTIONS - ASK!
2. DO NOT SCALE DRAWING.
3. REMOVE ALL SHARP CORNERS
4. REMOVE ALL WELD SPLATTER
5. MATERIAL IS LISTED
6. QUANTITY IS LISTED

5			
4			
3			
2			
1			
REV #	DATE	DESCRIPTION	

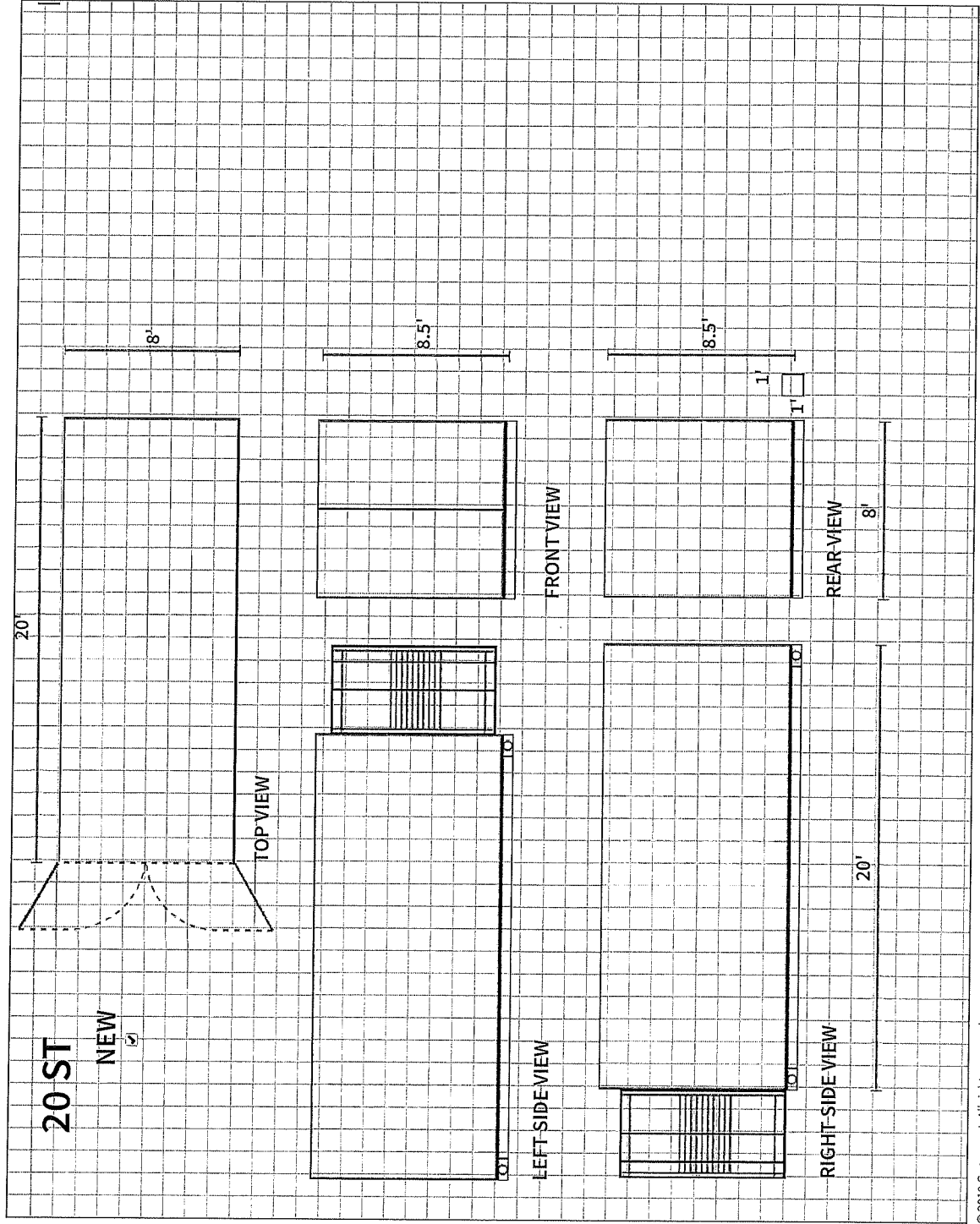


PRODUCT	20' OFFICE CONTAINER
TITLE	20' OFFICE
SKU	
DATE 1.10.19	SCALE: NOT TO SCALE
DRAWN BY M.S	CHECKED BY M.H



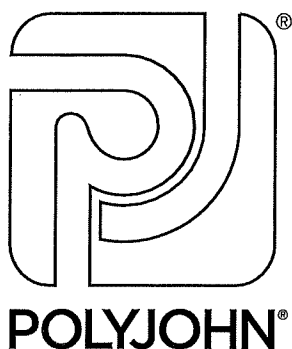
**CONEXBUILDER**

Lusted Water District  
Sales rep\*  
Due date (mm/dd)\*



Configuration no. 05-19-2020

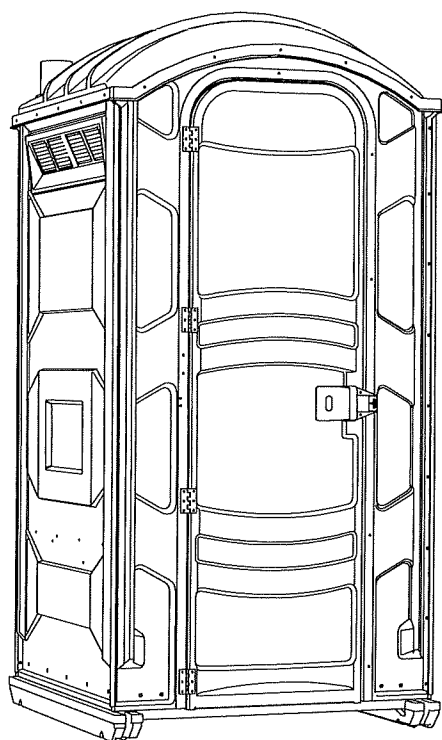
Nº Description: Side: Left: Top:



# PJN3 Series

## Assembly Instructions

US PATENTS: 4,577,351 4,637,299 4,793,100 4,895,400



### SPECIFICATIONS

DIMENSION	IMPERIAL	METRIC
Exterior Height	91.0 in	231 cm
Interior Height	82.0 in	208 cm
Exterior Width	43.5 in	110 cm
Interior Width	41.0 in	104 cm
Exterior Length	47.0 in	119 cm
Interior Length	41.0 in	104 cm
Holding Tank	60.0 gal	227 ltr
Seat Height	19.0 in	48 cm
Weight (plastic base skid)	165.0 lb	74.25 kg
Side Panel Decal Area	12 in x 22.75 in	30 cm x 58 cm
Door Panel Decal Area	16 in x 21 in	40 cm x 53 cm
Optional Sink Tank Capacity	15 gal	56.8 ltr
Optional Recirculating Flush Tank Capacity	35 gal	132 ltr

For product identification, the serial number is located on the left inside surface (as viewed from the front) of the door jamb, near the door closure clip.

We recommend reading through the entire Assembly Instructions prior to proceeding with installation, service or maintenance. All references to left and right throughout this guide are as viewed from the front.

#### **POLYJOHN USA**

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Whiting, IN 46394  
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