

REC'D 2:32 PM
5/14/2026**NOTICE OF APPEAL**

Land Use Planning Division



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

APPLICANT INSTRUCTIONS**EVERY NOTICE OF APPEAL SHALL INCLUDE [MCC 39.1160 / MCC 38.0640]:**

1. The county's case file number and date the decision to be appealed was rendered.
2. The name, mailing address, and daytime telephone number for each appellant.
3. A statement of how each appellant has an interest in the matter and standing to appeal.
4. A statement describing the specific reason for the appeal which includes the criteria or standard the appeal is addressing.
5. The appropriate appeal fee

It is the responsibility of the Appellant to complete a Notice of Appeal as set forth in the Multnomah County Code. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on this form.

APPELLANT INFORMATION (Person or group making appeal)**1. Appellant:**

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Printed Name (Last First Middle): Cottrell Community Planning Organization / Pleasant Home Community AssociationAddress: PO Box 1411City: Boring State: OR Zip: 97009

Daytime Phone: _____ Email: _____

2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Printed Name (Last First Middle): Jennifer Hart, Chair, Cottrell CPOAddress: 38200 SE LustedCity: Boring State: OR Zip: 97009Phone: 503-467-8733 Email: sandyjen23@gmail.com, carpenterlanefarm@gmail.com

DECISION BEING APPEALED

CASE INFORMATION

Decision being appealed (e.g., denial of a NSA Site Review, approval of a SEC permit, etc.):

Approval with Conditions of a Significant Water Resources (SEC-wr) Permit and Lot of Record Verification — Portland Water Bureau applicant Robert Fraley, for removal of artificial earth dam at Cottrell Pond and stream channel restoration within Johnson Creek.

Case Number: T2-2025-0067 Date of Issuance of Decision: April 30, 2026

APPEAL INFORMATION

Answer each question as completely and specifically as you can. (Attach separate sheets if needed)

1. What is your interest in this decision? (State your interest in the matter and your standing to appeal)

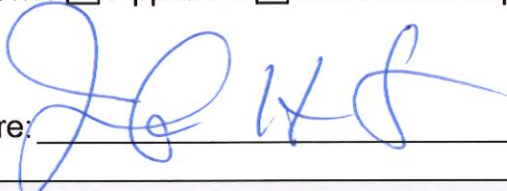
The Cottrell Community Planning Organization (CPO) and Pleasant Home Community Association are neighborhood associations recognized under Multnomah County Code with standing to appeal land use decisions affecting their planning area. The subject property at 8344 SE Cottrell Road, Boring, Oregon (Tax Lot 1S4E22CD-00300) is located within the Cottrell CPO boundary. The CPO submitted written comments during the public comment period on February 4, 2026 (Exhibit D.1), and is an interested party potentially aggrieved by this decision. Standing is conferred under MCC 39.1160 and MCC 38.0640.

2. What are your objections to the decision? (State the specific grounds for the appeal, i.e. criteria or standard)

Please see attached addendum for grounds 1-4.

Standing to Appeal: Those who are entitled to appeal a decision include those who are entitled to notice under Multnomah County Code and include: owners of record of property within 750 feet of the subject tract, neighborhood associates, and persons who have identified themselves in writing as interested parties or as to be potentially aggrieved or impacted by the decision. [MCC 39.1160 / MCC 38.0640]

Check One: ☐ Appellant ☒ Authorized Representative

Signature: 

Printed Name: Jennifer Hart Date: 5/14/2026

To Submit: Email the completed Notice of Appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee. We will send you an invoice for the appeal fee, which you will be able to pay online.

Appeals must be received prior to the close of the appeal deadline. Appeals are not 'received' until the invoice is paid.

Addendum to Notice of Appeal re: Case T2-2025-0067

Ground 1 — Failure to Assess Cumulative Impacts (MCC 39.5590(C)(3) and MCC 39.5590(D)(2)(b)(iv)) The County erred by reviewing this application entirely in isolation from the previously approved Portland Water Bureau Bull Run Filtration Facility (T3-2022-16220). The restoration of Cottrell Pond was a condition of that prior approval. The environmental impacts of the two projects on Johnson Creek — including changes to stormwater discharge, streamflow, and riparian corridor function — are inseparable and must be evaluated together. The decision failed to assess cumulative adverse effects on the riparian area as expressly required under MCC 39.5590(D)(2)(b)(iv).

Ground 2 — Inadequate Stormwater Analysis (MCC 39.5590(C)(4)(g) and MCC 39.6235) The decision summarily dismissed stormwater concerns on the basis that no new impervious surfaces are proposed by this project. However, the decision failed entirely to analyze how increased stormwater discharge from the adjacent PWB filtration facility draining into the same Johnson Creek corridor will interact with the restored channel. This concern was raised in public comments (Exhibits D.1 and D.4) and was not substantively addressed. The decision's stormwater findings are therefore not supported by substantial evidence in the record as required under MCC 39.5590(C)(4)(g) and MCC 39.6235.

Ground 3 — Conclusory Alternatives Analysis (MCC 39.5590(C)(3)(a)-(e)) The decision accepted the applicant's alternatives analysis without adequate independent analysis or substantial evidence that the proposed 1.22-acre disturbance footprint represents the minimum area necessary to achieve project objectives. Staff findings on this criterion are conclusory and do not constitute the substantial evidence required to support approval under MCC 39.5590(C)(3)(a) through (e).

Ground 4 — Failure to Adequately Address Public Comments (MCC 39.1105) Substantive concerns raised by the Cottrell CPO and adjacent property owners (Exhibits D.1, D.3, and D.4) regarding the relationship between this project and T3-2022-16220 were dismissed with identical boilerplate responses stating the application "solely concerns the review of restoration of Cottrell Pond." This does not constitute meaningful engagement with the merits of the concerns raised and fails the

standard of reasoned decision-making required under a Type II review process per MCC 39.1105.

**COTTRELL COMMUNITY
PLANNING ORGANIZATION
LEGAL CHECKING**

PO BOX 1411
BORING, OR 97009

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24-7588/3230

May 14, 2026

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For

72-2025-0067 NDA

Katherine M Davis

Harford Clarke

**YOUR RECEIPT
THANK YOU
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REG 05-14-2026 04:45
SCOTT 000001

1 MISC LUP	T12	\$250.00
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