

TO: Multnomah County Hearings Officer

FROM: Charles Ciecko

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DATE: March 5, 2026

SUBJECT: Testimony Opposing the Approval of T2-2025-0048

BACKGROUND:

Multco Land Use and Planning (Multco) issued a temporary permit to the Portland Water Bureau (PWB) (T2-2024-0062) in September, 2024. Relevant Conditions of that permit included:

“1. Permit Expiration – This land use permit shall expire as follows:

a. This temporary permit runs from September 7, 2024 to September 7, 2025. The time extension provisions under MCC 39.1195 are not applicable. [MCC 39.1185(E), MCC 39.1185(G), and MCC 39.8750(A)]

5. All temporary trailers and temporary uses shall cease and be removed from the property within 5 days of the expiration of this permit unless a new Temporary Permit is granted.

a. If a new temporary permit is to be applied for, the property owner or their representative shall 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. The process for obtaining a temporary permit shall follow the applicable Multnomah County Code at the time of application. [MCC 39.1185(E), MCC 39.1185(G), and MCC 39.8750(A)]”

Under these conditions, PWB should have removed the “temporary trailers and temporary uses”, by September 12, 2025 or have applied for new temporary permit by July 10, 2025 “to avoid having to remove the improvements during the processing of a new permit.”

PWB failed to comply with the conditions noted above. Instead, PWB submitted an application for a new temporary permit on 9/09/2025. The PWB application conveniently lacked any mention of its code violation. Multco deemed the application complete 10/16/2025. By this time 108 days had elapsed from the time PWB should have submitted an application for a new temporary permit (60 days prior to the 9/7/2024 expiration date).

Multco. issued the 14 day “Opportunity for Public Comment” (OTC) on 10/23/2025. Multco failed to include any acknowledgement of the code violation in the OTC.

A code compliance complaint was filed on 11/05/25 after the application was opened for public review and comment.

Multco’s investigation of the code compliance complaint found “sufficient evidence” of a zoning code violation on 11/21/2025.

To resolve the violation, Multco. issued a “Request For Voluntary Compliance” on 11/21/2025 that required nothing more than for PWB to file the application for a new temporary permit that had already been filed 73 days earlier (9/9/2025).

DISCUSSION

The PWB has undertaken a massive construction project in rural east Multnomah County at a cost that is now estimated in excess of \$2.5 Billion. Land Use approvals of this “mega-project” were based, in part, on PWB’s repeated assurances that ALL conditions of approval would be strictly followed. PWB has a literal army of staff and contractors available to assure compliance yet, in this case, has failed to uphold its commitments with apparent arrogance and disregard for the conditions that it agreed to when the temporary permit was first issued.

While mindful of Multco’s policy to seek “voluntary compliance” as opposed to enforcement action, in this case, that policy has been inappropriately applied and amounts to a reward for PWB for its failure to abide by conditions it previously agreed to. This begs the question: Why even include conditions if they are so easily swept aside?

The “Request for Voluntary Compliance” also provided a convenient opportunity for Multco. to obscure their failure to identify the code violation when PWB submitted the late application. The Multco.

policy to seek voluntary compliance should not be utilized to cover up the failures of PWB or Multco. staff.

It's noteworthy that were it not for the Code Compliance Complaint filed on this violation, Multco. would have never bothered to raise this violation on their own and this new application would have proceeded to the Notice of Decision approving this application with no one having considered all the facts.

This application should never have been accepted, found to be complete or approved by Multco. in light of the code violations that should have been identified and dealt with by Multco. when the application was first submitted.

The Land Use approval for this mega-project includes dozens of Conditions of Approval. Multco. claims to "visit the site weekly" but this rural community is unaware of even one instance where PWB has been held to account for a condition violation.

RECOMMENDATION

The following is requested of the Hearings Officer to correct the situation and send a message to both PWB and Multco. that all conditions must be adhered to and short cuts and favors will not be tolerated.

1. Deny this permit
2. Require the PWB to re-apply while complying with the applicable conditions of the now long expired permit (i.e. remove all temporary improvements while the new application is processed)

Thank you for considering this testimony.