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March 5, 2026

BY: EMAIL

Multnomah County Land Use Planning
1600 SE 190th Ave
Portland, OR 97233
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RE: T2-2025-0048 Public Hearing Materials

To Whom It May Concern:

On behalf of the applicant, please find enclosed the following documents.

1. Applicant's Response to Public Comment
2. Applicant's Presentation for March 6, 2026 Public Hearing (pdf for the record)

Best Regards,



Zoe Lynn Powers

On behalf of the applicant, this memorandum responds to public comments entered into the land use record for T2-2025-0048 prior to the Multnomah County March 6, 2026, Public Hearing.

Cottrell CPO Notice of Appeal for T2-2025-0048

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

Decision fails to adequately address: MCC39-6235 (stormwater drainage control); MCC39.6850(dark sky lighting standards);MCC39.5085(Geologic Hazard) ; Applicant is in clear violation of T2-2024-0062 Conditions of Approval. Decision fails to address SEC-h overlay.

The Notice of Appeal asserts that the decision “fails to adequately address” the following code sections and provides the following comments. Each is addressed in turn below.

1. MCC 39.6235 (stormwater drainage control)

Applicant Response: The subject site currently contains three, side-by-side, temporary construction office trailers that comprise the site’s “Field Office.” In the revised location, the impervious area of the trailers is the same size (36’ x 60’) previously approved. No new impervious surfaces or ground disturbance are proposed with this application beyond what was approved by the Erosion and Sediment Control Permit for the site (T1-2023-16751), or beyond what was reviewed and approved by Zoning Plan Review BP-2024-107 or the previous approval of the trailers for this site T2-2024-0062. The plans for T1-2023-16751 included all ground disturbance required to site the construction trailers, and the revised placement of these trailers is entirely located within the approved “limits of disturbance” under T1-2023-16751. On March 5, 2026, the applicant submitted an updated Stormwater Drainage Control Certificate stamped by a Professional Engineer. This Certificate has previously been approved by the County in Zoning Plan Review BP-2024-107 for the proposed impervious area (36’ x 60’) for the three office trailers. The Certificate is not location dependent, as the stormwater system selected is “Use of Gutter, downspout, and splash block drainage control system”. The same gutters, downspouts, and splash blocks are provided at the revised trailers location. Therefore, no expansion or intensification of impervious service is proposed compared to the previously approved location shown in the Certificate and the Certificate provides evidence that this standard is met for the same trailers in a revised location further away from the SEC and GH zones. This criterion is met.

2. MCC 39.6850 (dark sky lighting standards)

Applicant Response: All temporary construction office trailers are either fitted with lighting per the submitted lighting detail or lighting is shielded to comply with dark sky lighting standards. The photos below provide examples of these compliant lighting fixtures. Therefore, this standard is met.

Photos 1 and 2: Temporary office trailers fitted with downlit lighting



3. MCC 39.5085 (geologic hazard)

Applicant Response: The proposed office trailers are located entirely outside of all geologic hazard areas. These standards are not applicable.

4. “Applicant is in clear violation of T2-2024-0062 Conditions of Approval.”

Applicant Response: It is unclear what the appellant means by “the applicant is in clear violation of T2-2024-0062 Conditions of Approval.” The applicant obtained the required Temporary Use Permits from Multnomah County to use the existing construction office trailers at the site pursuant to County approvals T2-2024-0062, BP-2024-107, and T2-2025-0048.

5. “Decision fails to address SEC-h overlay.”

Applicant Response: The proposed temporary use is located entirely outside of all SEC areas. These standards are not applicable.

Comments received during the 14-day Public Comment Period

Exhibit D.1: Ciecko comments dated November 5, 2025

Comment 1:

1. Application lacks specific detail to determine if specific code requirements can be met. One example is noted in application submitted by Robert Frayley: "Application Request: Temporary Permit for construction field office trailers at 36800 SE LUSTED RD & 36910 SE LUSTED RD." Application fails to identify number of trailers.

Applicant Response to Comment 1: The subject site contains three, side-by-side, temporary construction office trailers that comprise the area labeled "Field Office" as shown on the revised site plan. The dimensioned 36' x 60' area labeled "Field Office" shown on the plans to contains three 12' x 60' office trailers.

Comment 2: Exhibit D.1: Ciecko comments dated November 5, 2025

2. Dark sky compliance information is not included in the application. Current and ongoing conditions have bright lights fully illuminating the forested hillside (sec-h) immediately adjacent to the raw water tunnel portal and neighboring residences in apparent violation of Dark Sky requirements.

Applicant Response to Comment 2: Temporary construction office trailers at the site are fitted with lighting per the submitted lighting detail and comply with dark sky lighting standards. The applicant provided a standard detail for trailer lighting with T2-2025-0048 that continues to be accurate. This standard is met.

Comment 3: Exhibit D.1: Ciecko comments dated November 5, 2025

3. Previous Temporary Permit expired nearly 2 months ago suggesting applicant is in violation of Case# T2-2024-0062 approval.

Applicant Response to Comment 3: November 21, 2025, Multnomah County issued a Request for Voluntary Compliance to the Portland Water Bureau (PWB) (Code Case # CC-2025-0005) and directed the applicant to either complete the land use application process or remove the trailers to resolve the MCC violation. At the time of the Request for Voluntary Compliance, the applicant had already submitted this application for a renewal permit and it was already under review by the County. As the County notes on page 5 of the staff report: "The issuance of [the] initial decision for [this case] resolve the MCC violation of the conditions" of the prior approval of these trailers. That remains true "unless the approval of [this case] is overturned on appeal,

in which case the applicant will need to remove all construction trailers from the site.” Staff Report, page 5. Further, as the County notes on page 6 of the Staff Report, “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. The initial processing of [this case] addressed the issues raised [in the code compliance case].” Accordingly, there is currently no open code compliance case. With approval of this casefile, the temporary use will comply with County Code.

Comment 4: Exhibit D.1: Ciecko comments dated November 5, 2025

4. Additional Trailers will increase impervious surfaces and exacerbate storm water runoff negatively impacting wetlands and pond on/adjacent to the site.

Applicant Response to Comment 4: See applicant’s response to CPO Notice of Appeal Comment 1 above. There are no additional trailers proposed with this application.

Comment 5: Exhibit D.1: Ciecko comments dated November 5, 2025

5. Site is located in area with SEC-h and Geologic Hazard overlay area. Application fails to assess impact of proposed use on these areas. Impacts to natural resources is currently the subject of pending appeal at LUBA.

Applicant Response to Comment 5: The trailers are located entirely outside of all SEC and Geologic Hazard areas. The updated Site Plan notably shows that the temporary office trailers are now sited even farther away from the SEC-h and Geologic Hazard overlays than previously approved. These standards are not applicable.

Exhibit D.2: Cottrell CPO comments dated November 6, 2025

Comment 6:

The Cottrell Community Planning Organization (CPO) is objecting to the approval of the Case file: T2-2025-0034. This application lacks details on the number of trailers, dark sky compliance, the site is located in area with SEC-H and Geological Hazard overlay area.

Furthermore, the existing trailers should have been removed from the site. The temporary permit expired (Sept. 7, 2025) two months ago. The applicant defied the Multnomah County Codes, therefore is not in compliance.

Applicant Response to Comment 6: The application that the Cottrell CPO references in its comment, T2-2025-0034, is a different land use application not associated with this application,

T2-2025-0048. As explained in detail in the application materials, approval standards for the temporary office use trailers are met. The trailers are not located in a SEC or Geohazard overlay zone, therefore these standards do not apply. The expiration of the prior permit and code compliance process is addressed above under applicant's response to Ciecko Comment 3.



Bull Run
FILTRATION
PROJECTS

*Our water: safe and abundant
for generations to come.*

PORTLAND WATER BUREAU

Bull Run Filtration Projects

Temporary Permit for Placement of
Construction Office Trailers

T2-2025-0048 (36800/36910 SE Lusted Rd)

March 6, 2026 9 a.m.

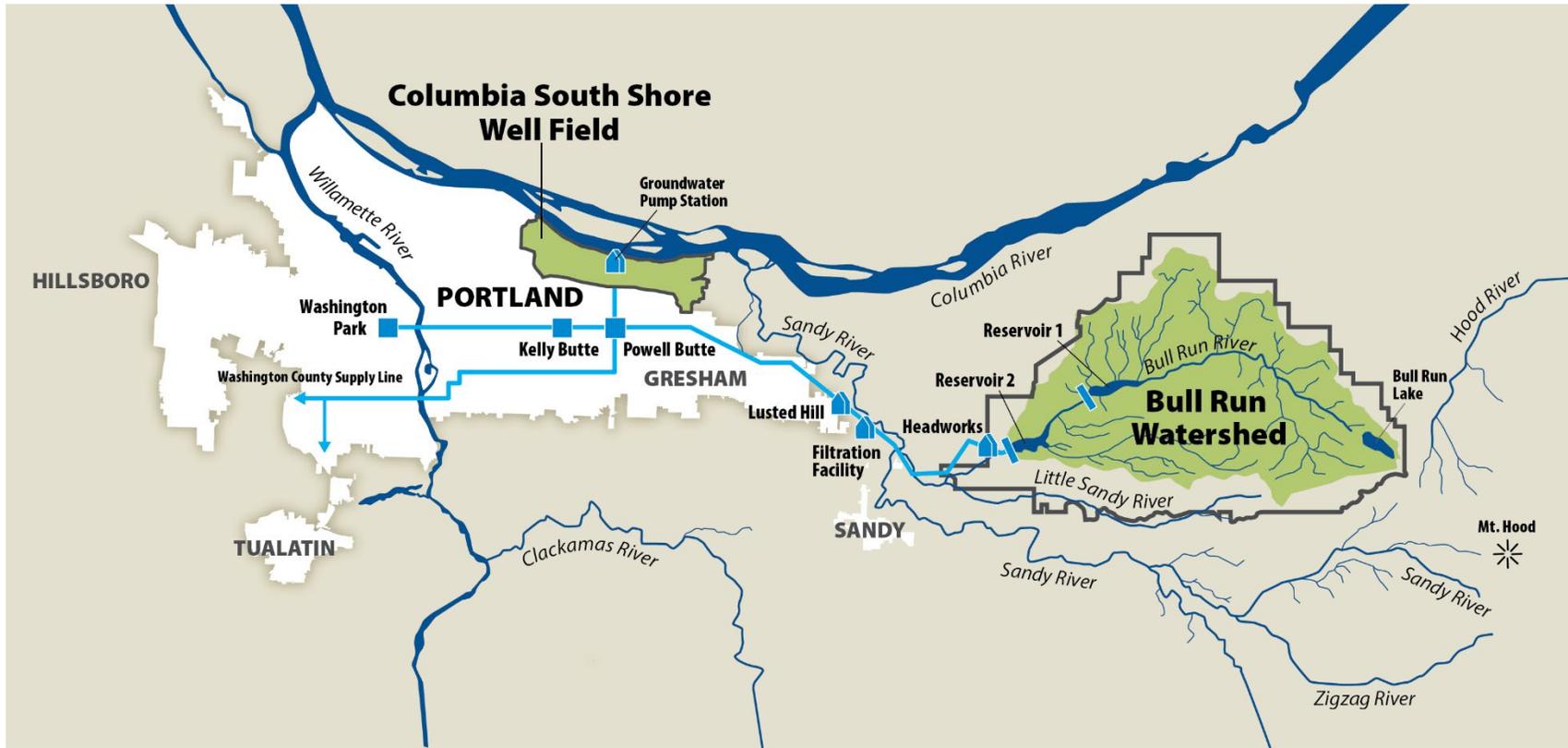


Agenda

- Project Overview
- Requested Permit
- Key Topics



Thanks to thoughtful planning, Bull Run has been a source of excellent water since 1895



- Serves almost 1 million people
- Serves the City of Portland and 19 wholesale customers
- Uses 100 million gallons of water on an average day



Filtration Facility



Filtration facility site looking east

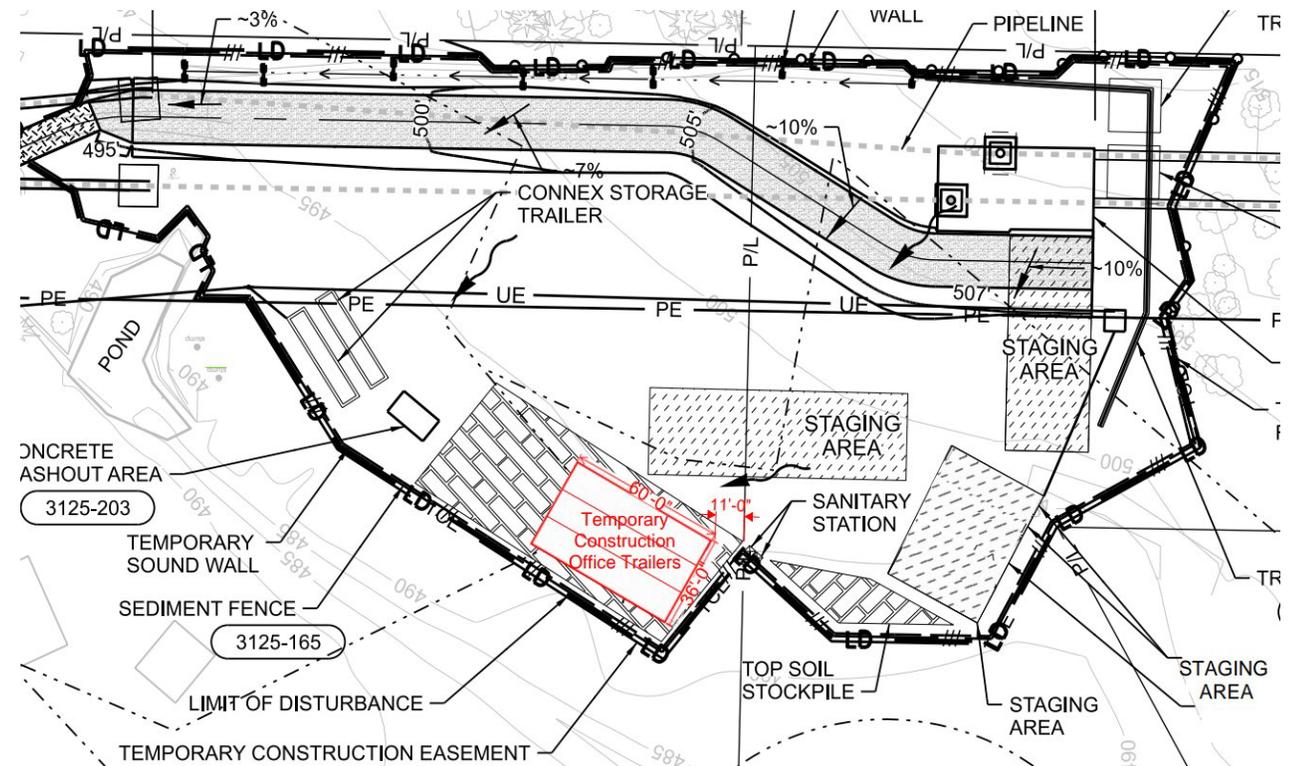
Filtration Pipelines



Revised Office Trailers Location

- Updated site plan and findings submitted for approval of revised office trailer location
- Location is consistent with the approved Erosion and Sediment Control Permit (T1-2023-16571)
 - No change in approved impervious area (36' x 60')
 - Office trailers in approved ESC limits of disturbance
- All base zone dimensional and development requirements (i.e., setbacks, height) met

Revised site plan for trailer location approval

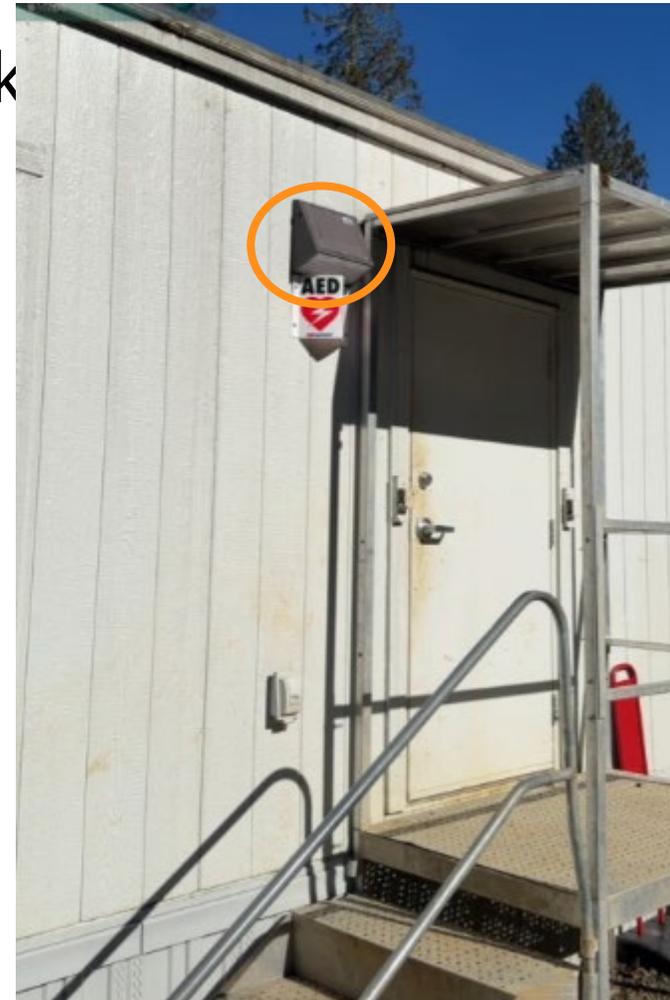


Applicable Approval Criteria

- General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential (RR), MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards,
- Rural Residential (RR): MCC 39.4365(A) Review Uses - Temporary Uses, MCC 39.4375 Dimensional Requirements and Development Standards, MCC 39.8750
- Temporary Permits for Certain Uses: MCC 39.8750(A) Temporary Permits for Certain Uses

Dark Sky Lighting

- All office trailer lighting is down-lit with dark sky lighting



Sewage and Stormwater Compliance

- Temporary septic tanks are pumped/maintained regularly
- Stormwater Drainage Control Certificate signed by a Registered Professional Engineer licensed in Oregon demonstrates compliance with the County's stormwater requirements
- Site Plan is consistent with the approved Erosion and Sediment Control Permit (T1-2023-16571)
 - No change in approved impervious area
 - Office trailers located in approved limits of disturbance

No Impacts within Overlays (SEC-h and GH)

- Office trailers outside of designated Special Environmental Concern (SEC) and Geohazard (GH) overlays onsite

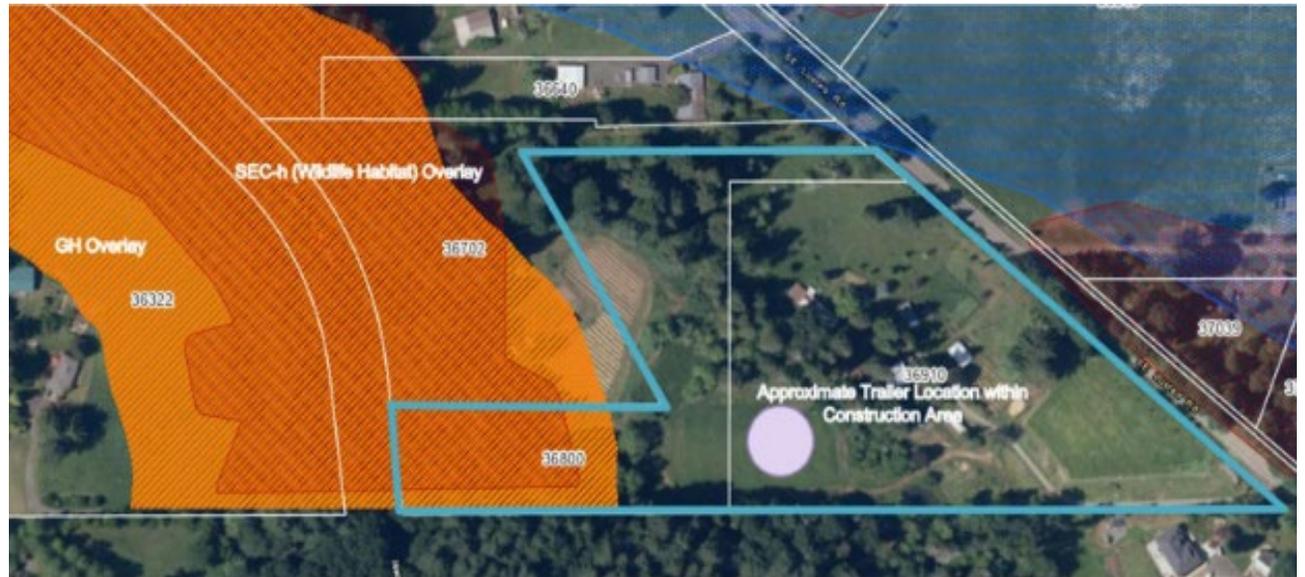


Image from Multnomah County Staff Report



Bull Run
FILTRATION
PROJECTS

*Our water: safe and abundant
for generations to come.*

Thank you!

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