

To: Multnomah County Hearings Officer

From: Jennifer Hart
38200 SE Lusted Rd.
Boring, OR 97009

Date: March 5, 2026

Subject: Testimony Opposing Approval of Temporary Permit Application T2-2025-0048

Dear Hearings Officer,

I respectfully submit this testimony in opposition to the approval of Temporary Permit Application T2-2025-0048 submitted by the Portland Water Bureau (PWB). The application should be denied because the applicant failed to comply with the explicit conditions of the previously issued temporary permit, and the continued presence of the temporary structures after the permit expiration constitutes a zoning code violation.

In September 2024, Multnomah County issued Temporary Permit T2-2024-0062 to PWB for temporary trailers associated with its project. That permit contained clear and enforceable conditions governing the duration of the permit and the procedures required if the applicant intended to continue the temporary use.

Condition 1 – Permit Expiration stated:

“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)]

Condition 5 – Removal of Temporary Uses required:

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

Condition 5 further required that:

“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.”

Based on these conditions, any application for a subsequent temporary permit was required to be submitted no later than July 10, 2025, which is 60 days prior to the September 7, 2025 expiration date.

However, PWB did not submit its new application (T2-2025-0048) until September 3, 2025, nearly two months after the required application deadline and only five days prior to the expiration of the permit. Because the applicant failed to meet the 60-day application requirement, the permit conditions required that all temporary trailers and uses be removed from the property within five days of the permit expiration, or no later than September 12, 2025.

The trailers and associated uses were not removed, and therefore the continued use of the property after the permit expiration constituted a zoning code violation.

On October 15, 2025, Multnomah County issued a completeness determination for the new temporary permit application—over three and a half months after the date by which the application should have been submitted under the permit conditions. The County then issued a public comment notice in late October, yet that notice did not acknowledge or address the applicant’s failure to comply with the prior permit conditions.

In early November, a code compliance complaint was filed regarding the continued presence of the temporary trailers. Multnomah County Planning subsequently investigated and determined that a zoning code violation had occurred. Despite this determination, the County did not require the removal of the trailers as mandated by the permit conditions. Instead, the County issued a Request for Voluntary Compliance on November 21, 2025, and approved the new temporary permit on December 3, 2025.

This sequence of events raises significant concerns regarding the consistent enforcement of Multnomah County Code and the conditions of approval attached to land use permits. Conditions of approval are not

discretionary guidelines; they are binding requirements that must be satisfied by the permit holder. When an applicant fails to comply with those conditions, the appropriate response is enforcement—not retroactive accommodation.

Allowing a subsequent permit to be approved after the applicant has failed to comply with the conditions of the prior permit undermines the enforceability of those conditions and creates the appearance that certain applicants are not held to the same standards as others.

Multnomah County routinely requires private property owners to strictly comply with permit conditions, application deadlines, and zoning requirements. When private applicants fail to meet these standards, they are typically subject to enforcement actions and penalties. The Portland Water Bureau should be held to the same requirements and standards as any other applicant under the County’s land use regulations.

For these reasons, the record demonstrates that the applicant failed to comply with the conditions of Temporary Permit T2-2024-0062 and continued the temporary use in violation of County code after the permit expired. Therefore, approval of Temporary Permit Application T2-2025-0048 would effectively reward noncompliance and weaken the enforceability of permit conditions.

Accordingly, I respectfully request that the Hearings Officer deny the application and require compliance with the conditions of the previously issued permit and applicable Multnomah County Code.

Thank you for your time and consideration.

Jennifer Hart