



## Testimony in Opposition to Temporary Permit Application T2-2025-0048

**Tami Wensenk** <tamiwensenk@gmail.com>  
To: lup-hearings@multco.us  
Cc: LUP Comments <LUP-Comments@multco.us>

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To: Multnomah County Hearings Officer

From: Tami Wensenk, on behalf of Roberts Family Trust  
[34828 SE Carpenter Lane, Gresham, OR 97080](#)

Date: March 13, 2026

Subject: Testimony in Opposition to Temporary Permit Application T2-2025-0048

Dear Hearings Officer,

I am submitting this testimony in opposition to Temporary Permit Application T2-2025-0048. I am a property owner at [34828 SE Carpenter Lane, Gresham, Oregon](#), submitting on behalf of our family and the Roberts Family Trust. Our property sits directly adjacent to the Portland Water Bureau (PWB) project site. We live with the consequences of this use every day, including the exterior lighting that spills onto our property and disrupts the night sky in our community. I respectfully ask that this application be denied.

This application must be denied for four independent reasons: PWB violated the binding conditions of its prior permit; the use has exceeded the one-year maximum allowed under Multnomah County Code for temporary permits; PWB's track record provides no basis to conclude it will comply with future conditions; and the applicant has failed to demonstrate compliance with exterior lighting standards required by code.

#### I. Violation of Prior Permit Conditions — Temporary Permit T2-2024-0062

In September 2024, Multnomah County issued Temporary Permit T2-2024-0062 to PWB for construction trailers. That permit included the following enforceable conditions:

##### Condition 1 – Permit Expiration [MCC 39.1185(E), MCC 39.1185(G), MCC 39.8750(A)]:

This temporary permit runs from September 7, 2024 to September 7, 2025. The time extension provisions under MCC 39.1195 are not applicable.

##### Condition 5 – Removal of Temporary Uses [MCC 39.1185(E), MCC 39.1185(G), MCC 39.8750(A)]:

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. 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. The 60-day deadline required PWB to file by July 10, 2025. PWB submitted Application T2-2025-0048 on September 3, 2025, 55 days past that deadline and just five days before the permit expired. Under Condition 5, that **failure triggered an obligation to remove all temporary trailers by September 12, 2025. The trailers remained.** A code compliance complaint confirmed a zoning violation. The County's response was a Request for Voluntary Compliance on November 21, 2025, followed by permit approval on December 3, 2025, before any compliance was demonstrated.

#### II. This Use Exceeds the One-Year Limit for Temporary Permits Under MCC 39.8750(A)

MCC 39.4315(A) authorizes a temporary use in the MUA-20 zone only when approved pursuant to MCC 39.8750. That provision imposes a strict one-year maximum. The code states:

"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."

PWB's one-year authorization was fully exhausted under T2-2024-0062. The trailers have been on site since September 7, 2024. Approval of T2-2025-0048 would authorize this use through November 25, 2026 — more than 26 months from

when it began — with the possibility of an additional one-year extension pushing the total to 39 months. A use lasting more than three years is not temporary by any standard.

MCC 39.8750(A) does not authorize serial renewal of temporary use permits, whether through extensions or new applications for the same continuing use. To allow otherwise would allow permanent uses to persist indefinitely under the guise of temporary permits — precisely the outcome the code's one-year limitation was designed to prevent. If renewed applications are permitted at all for an expired temporary use, the use must first genuinely cease before a new temporary authorization can apply.

### III. PWB's Pattern of Noncompliance Forecloses Approval

Approval of a land use application requires the Hearings Officer to find, based on substantial evidence, that applicable criteria are or will be met. *Meyer v. City of Portland*, 67 Or App 274, 678 P2d 741, rev den 297 Or 82 (1984). That standard cannot be met here.

PWB missed the 60-day application deadline. It failed to remove the trailers as required. It continued operating after the permit expired in violation of county code. This is not a technical oversight - it is a pattern. There is no evidentiary basis on which the Hearings Officer can reasonably conclude that PWB will comply with the deadlines and conditions attached to a new permit. Conditions of approval cannot provide adequate assurance when the applicant has already demonstrated it will not honor them.

### IV. Exterior Lighting Standards Are Not Satisfied

As a neighboring property owner, we experience the impact of the exterior lighting from this site directly. The light from the PWB trailers and associated structures is visible from our property, contributes to unwanted light intrusion, and degrades the night sky conditions that rural property owners along this corridor rely on and value.

MCC 39.4325(J) and MCC 39.6850 require that all new exterior lighting associated with a new use approved through a development permit include fully shielded light sources with opaque materials directed downward. PWB has not met this standard. The applicant references a "submitted lighting detail" that is not present in the record. The photographs of trailer-mounted exterior fixtures submitted by PWB were taken during daylight hours and are incapable of demonstrating whether the fixtures are fully shielded at night. Photographs of "example" fixtures do not establish compliance for all exterior lighting as the code requires.

Condition 3 of the 2024 Temporary Permit required PWB to submit lighting documentation prior to establishing the use. If that documentation was never provided, the Hearings Officer should not repeat the error by conditioning this new approval on future submittal. PWB's history gives no confidence that such a condition would be honored.

### V. Conclusion

The applications must be denied. PWB violated the conditions of its prior permit. The use has exceeded the one-year statutory limit for temporary permits under MCC 39.8750(A). PWB's demonstrated pattern of noncompliance provides no evidentiary basis for the Hearings Officer to find that future conditions will be honored. And PWB has failed to establish compliance with the exterior lighting standards of MCC 39.4325(J) and MCC 39.6850.

Approving these applications would reward a pattern of noncompliance, strip permit conditions of any meaning, and extend a use that ceased to be "temporary" long ago.

I respectfully urge the Hearings Officer to deny Application T2-2025-0048.

Thank you for your attention to the matter.