



## Testimony in Opposition to Temporary Permit Application T2-2025-0046

2 messages

**Tami Wensenk** <tamiwensenk@gmail.com>

Fri, Mar 13, 2026 at 3:40 PM

To: lup-hearings@multco.us

Cc: LUP Comments <LUP-Comments@multco.us>

---

### This Message Is From an External Sender

External Sender - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

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 T2-2025-0046

Dear Hearings Officer,

I am submitting this testimony in opposition to Temporary Permit Application T2-2025-0046. I am a property owner at [34828 SE Carpenter Lane, Gresham, Oregon](#), submitting on behalf of my family and the Roberts Family Trust. Our property is located directly adjacent to the Portland Water Bureau (PWB) project site, and we experience the impacts of this use on a daily basis. I respectfully request that this application be denied.

This application fails for multiple independent reasons: PWB violated the conditions of its prior permit, the proposed use is not legally "temporary" under Multnomah County Code, PWB has demonstrated it cannot be trusted to comply with future permit conditions, and the applicant has failed to satisfy exterior lighting standards required by code.

I. PWB Violated the Conditions of Temporary Permit T2-2024-0060

Multnomah County issued Temporary Permit T2-2024-0060 to PWB in September 2024 for the placement of temporary trailers. That permit contained binding conditions that PWB failed to meet:

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 submit the application at least 60 days prior to the expiration of this permit. The 60-day deadline required a renewal application to be filed by July 10, 2025. PWB submitted Application T2-2025-0046 on September 2, 2025, nearly two months late. Under Condition 5, that failure required removal of all temporary trailers by September 12, 2025. The trailers were not removed. A code compliance complaint filed in early November 2025 resulted in a County investigation that confirmed a zoning code violation had occurred. Rather than enforce the permit conditions, the County issued a Request for Voluntary Compliance on November 21, 2025 and approved the new permit four days later. That is not enforcement. It is selective accommodation.

II. This Use Is Not "Temporary" Under MCC 39.8750(A)

MCC 39.4315(A) permits a temporary use in the MUA-20 zone only when approved pursuant to MCC 39.8700 and MCC 39.8750. MCC 39.8750(A) imposes a strict one-year maximum for temporary permits. The plain language of the code reads:

"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 exhausted its one-year authorization under T2-2024-0060. The trailers have been on site since approximately September 7, 2024, already more than 18 months. If this new permit is approved, that total will extend to 27 months or more. That is not a temporary use by any reasonable interpretation of the word.

Nothing in MCC 39.8750(A) authorizes serial renewal of temporary use permits. Allowing PWB to simply refile whenever it is caught in violation would render the word "temporary" meaningless and open the door to indefinite use of a permit

category that was never intended for that purpose. If any new application for an expired temporary use is permitted at all, the use must first fully cease so that a genuine new temporary use can be established. That has not happened here.

### III. There Is No Basis to Conclude PWB Will Comply With Future Permit Conditions

To approve a land use application, the Hearings Officer must have assurance, based on substantial evidence, that compliance with applicable criteria will be achieved. *Meyer v. City of Portland*, 67 Or App 274, 678 P2d 741, rev den 297 Or 82 (1984). The record here provides no such assurance.

PWB failed to meet the 60-day application deadline under its prior permit. It failed to remove the trailers as required upon permit expiration. It continued operating in violation of county code. Given this demonstrated pattern of noncompliance, there is no reasonable basis to conclude that PWB will comply with the terms of a new permit - including any deadline to remove the trailers or timely file a future renewal. Conditions of approval cannot cure a demonstrated unwillingness to follow permit requirements.

### IV. Exterior Lighting Standards Have Not Been Met

As a neighboring property owner, I have a direct interest in the exterior lighting associated with this use. The lights from this site are visible from our property and contribute to light pollution that affects the night sky and the quality of life for residents along this corridor.

MCC 39.4325(J) and MCC 39.6850 require that all new exterior lighting supporting a new use approved through a development permit must include fully shielded light sources with opaque materials directed downward. PWB has not satisfied this standard. The applicant references a "submitted lighting detail" that does not appear in the record. The three photographs of exterior trailer fixtures that were submitted were taken during daylight hours and cannot establish whether the fixtures are fully shielded. Moreover, photographs of "example" fixture types do not demonstrate compliance for all exterior lighting, as the code requires.

PWB was required to submit lighting documentation under Condition 3 of the 2024 Temporary Permit prior to establishing the use. If that documentation was never submitted, the Hearings Officer should not condition this new approval on future submittal of the same. Given PWB's track record, there is no sound basis to assume compliance will follow.

### V. Conclusion

The record demonstrates that PWB violated the conditions of its prior permit, that the proposed use exceeds the one-year limitation for temporary uses under MCC 39.8750(A), that there is no evidentiary basis to conclude future compliance is likely, and that exterior lighting standards under MCC 39.4325(J) and MCC 39.6850 have not been satisfied. Approval of this application would reward noncompliance, render permit conditions unenforceable, and extend a use that is no longer temporary in any meaningful sense.

I respectfully urge the Hearings Officer to deny Application T2-2025-0046 in its entirety.

Thank you for your time and consideration.

---

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

Fri, Mar 13, 2026 at 3:45 PM

Your testimony will be added to the record. Please only submit testimony to this hearing inbox, the comments inbox is not appropriate for this work.

---

#### **Multnomah County**

Department of Community Services - Land Use Planning Division  
1600 SE 190th Ave., Portland OR 97233

T: 503-988-3043

E: [lup-hearings@multco.us](mailto:lup-hearings@multco.us)

<https://multco.us/landuse>

[Quoted text hidden]