

March 20, 2026

BY: EMAIL

Multnomah County Land Use Planning
1600 SE 190th Ave Portland, OR 97233
lup-hearings@multco.us

RE: T2-2025-0046: Applicant's Second Open Record Period Submittal
35525 SE Carpenter Ln (R342603 & R342619)

Mr. Kearns,

On behalf of the applicant, this letter provides responsive evidence to information submitted in the first open record period. This letter is provided for the record related to the main filtration facility site (T2-2025-0046).

Nighttime Lighting

A number of first open record period submissions, as well as oral testimony at the hearing, expressed concerns about lighting at night coming from the filtration facility property and provided photos. *See, e.g.,* Exhibit I.1 (Culver); Exhibit I.11 (CCPO).¹ The testimony expresses that “lights from this site are visible” at surrounding properties. Exhibit I.13 (Wensenk).

The light from the construction site as a whole is outside the scope of these proceedings, which concern only the lights that support the temporary construction trailers.

Other than the minimal lighting shown immediately adjacent to the tall, green Pleasant Home Water District (PHWD) tanks—identified with a down arrow on page 4 of the Cottrell CPO first open record period testimony (Exhibit I.11)—the lighting depicted in public testimony photographs is not associated with the temporary construction office trailers under review in this case.

Instead, the lighting primarily originates from water management systems that must operate continuously to manage water on the site, particularly during a period of unusually high precipitation associated with recent atmospheric river events.

For the *main trailer site*, adjacent to the PHWD tanks, the filtration facility contractor, MWH/Kiewit Joint Venture, reviewed the testimony and conducted a responsive night-time assessment of light generated from the construction site. Based on that assessment, the contractor reports (as of

¹ We note that the photographs in Exhibit I.11 are dated in 2025, when the project was suspended and no construction activities were occurring. It is likely that those dates were intended to be in 2026 instead of 2025, and we have responded accordingly.

March 20, 2026) that the lighting shown in the first open record period photos and reported by neighbors is related to the automated treatment systems (ATS) for water. When activated based on rainfall or site conditions, the ATS operates overnight and is monitored by personnel while in operation. OSHA requires that lighting be provided for workers to safely conduct their work overnight on the ATS. Additionally, a high lighting fixture serving the ATS area is near an on-site water tower, which may be reflecting light that is otherwise downward pointing. Although outside the scope of this case, the contractor has indicated that they will turn off that high lighting fixture near the water tower at night if they are able to do so and also comply with OSHA regulations to protect workers.

Also for the *main trailer site*, the contractor found in its night-time assessment that some of the construction trailer interior lights were left on overnight. While the dark sky standards only apply to exterior light fixtures, the contractor has now made it mandatory that all interior lights are turned off when the last site personnel are gone. The contractor confirmed that all exterior lighting serving the construction trailer area are compliant with dark sky requirements.

For the *raw water pipeline site to the east*, the pipelines contractor, Bull Run Conveyance Partners, similarly reviewed testimony and conducted an assessment of light generated from the pipelines shaft site (the shaft being excavated to install the raw water pipelines) on the east side of the filtration facility property. The contractor found that the lighting depicted in the first open record period photos and reported by neighbors supports the system that monitors and pumps out water from the shaft and is needed for personnel safety overnight while monitoring that system. Although that lighting is not associated with the construction trailer near the raw water shaft site under review in this proceeding, the contractor has lowered light fixtures and added shielding to direct light more downward to the extent possible in order to be responsive to these concerns. The pipelines contractor also confirmed that all lights serving the office trailer are compliant with dark sky requirements, as shown in the inventory provided into the record as Exhibit I.10.

The first open record period photographs themselves are also misleading with respect to perceived brightness. The visible stars in the background indicate the use of automatic low-light amplification, likely from an iPhone or other consumer camera, which materially exaggerates apparent illumination levels and does not accurately represent lighting as perceived by the human eye. As shown in the photographs that follow below, the photos taken by the applicant and contractors in their investigations show far different results.

Photo 1: Pipeline contractor's photo of raw water shaft site



Image_TC_05204 – BRCP Shaft Site picture from Bluff

Photo 2 and 3: Applicant's photos dated March 19, 2026 taken at 6:20 am depicting construction lighting at Filtration Facility. Photo taken from SE Bluff Rd looking north. Main construction office trailer location circled in yellow.



Photo 4: Applicant's photo dated March 20, 2026 taken at 4:45 am showing downlit, shielded construction lighting on trailers 10 and 11 at main Filtration Facility trailer location.



Photo 5: Applicant's photo dated March 20, 2026 taken at 4:45 am showing downlit, shielded construction lighting on trailers at Filtration Facility.

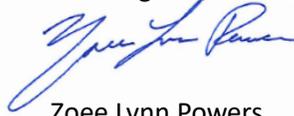


Overall, the photographs submitted in the first open record period both (1) depict lighting unrelated to the temporary construction office trailers at issue and (2) do not reliably reflect the actual human experience of construction-related lighting conditions. Both contractors have confirmed that all lighting supporting construction office trailers is compliant with dark sky standards, including being fully shielded with opaque materials and directed downwards.

Work Hours

The CCPO claims that “[a]ccording to the permit, approved work hours are from 7:00 a.m. to 6:00 p.m.” and objects to lighting outside of these hours. Exhibit I.11, page 2. The referenced hours relate only to noise ordinance compliance that the applicant offered to self-impose as part of the primary conditional use permit proceedings. The noise ordinance otherwise exempts construction activities. The offer was codified in a condition of approval for the main permit. There are no requirements in the land use permits that relate to hours of work more generally or specifically to lighting.

Best Regards,



Zoe Lynn Powers