Cottrell CPO

Pleasant Home
Community Association

Cottrell Community Planning Organization

Pleasant Home Community Association

PO Box 1411

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October 30, 2026

To: Multnomah County Hearings Officer
Re: City of Sandy Pump Station — T3-2026-0012
From: Cottrell CPO and Pleasant Home Community Association

Subject: Supplemental Testimony — October 9 Hearing Statements and Enforceability of Conditions

We submit these supplemental comments in response to issues identified during the October 9, 2026 hearing. We incorporate by reference our initial written testimony (Exhibit H1), including its analysis of MCC 39.7515(B), the differences between the approved and proposed pump-station configurations, and Appendix A. We do not repeat that analysis here. Instead, we address three questions brought into sharper focus by the hearing record.

1. Who will be legally responsible for modifying and complying with the PWB approval?

The applicant in T3-2026-0012 is the City of Sandy, while Portland Water Bureau (PWB) owns the site and holds the earlier Bull Run Filtration Facility approval, T3-2022-16220. When the Hearings Officer asked about this distinction, County staff confirmed PWB was not the applicant. The Hearings Officer then observed: "Generally, the permit and permit conditions only bind the applicant." Staff agreed that this was an issue with proposed Condition 4 (Daniel Cairns, Hearings Officer, and Alexandra Howard, County Deputy Director, October 9, 2026, 28:17–28:48).

This raises a practical enforceability question that the County should resolve expressly: How will a condition on Sandy's approval ensure that PWB actually modifies Condition of Approval 6 and implements and maintains any revised habitat measures required under T3-2022-16220? PWB's signature as property owner should not be assumed, without further explanation, to make all Sandy permit conditions enforceable against PWB.

Proposed Condition 3 contemplates recorded agreements governing access, development, maintenance, and stormwater use. The County should identify whether those agreements also assign responsibility for the affected habitat and landscape commitments, including installation, monitoring, replacement of failed plantings, long-term maintenance, and County enforcement. If not, the conditions or agreements should be revised to do so.

2. When must the original approval be modified?

County staff acknowledged that the Sandy station changes PWB's approved landscape plan and requires a modification to Condition of Approval 6 of T3-2022-16220. Staff discussed both revising proposed Condition 4 and potentially relying on MCC 39.1200 (revocation of decisions) to compel a later modification (Alexandra Howard, County Deputy Director, October 9, 2026, 24:46–27:00).

The timing and enforceability of that modification should not remain unresolved. A certificate-of-occupancy condition may be too late if grading or construction has already displaced the planting areas shown on approved Landscape Plan 00-LU-306. Before any construction or irreversible site disturbance affecting those areas, the County should require an approved, coordinated revision to the PWB decision and plan, supported by the natural-resource findings necessary under MCC 39.7515(B). Reliance on possible future action under MCC 39.1200 should not replace a clear, enforceable sequence of approvals and obligations.

3. Clarification: the issue is habitat function, not simply landscaping compliance

The Hearings Officer asked whether our original letter treated the PWB permit's landscaping as the natural resources affected by the Sandy proposal. County staff indicated that was its preliminary understanding, noting limited time to review the letter (Daniel Cairns, Hearings Officer, October 9, 2026, 29:03; Alexandra Howard, County Deputy Director, 29:29).

We clarify that our concern is not landscaping as an aesthetic or numerical requirement. As explained in Exhibit H1, the approved planting arrangement is relevant because it formed part of the original natural-resource and habitat framework. The question under MCC 39.7515(B) is whether moving the plantings and changing their configuration preserves the habitat functions relied upon in T3-2022-16220. Compliance with the Sandy station's separate landscaping percentage does not, without a supporting analysis, answer that question. The relevant documents are the original decision, its Condition of Approval 6, approved Landscape Plan 00-LU-306, and the County's September 23, 2026 staff report for T3-2026-0012.

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Requested action

We ask the Hearings Officer to require the County and applicant to identify, in the record and in enforceable conditions:

(1) the legal mechanism binding PWB to any necessary modification of T3-2022-16220;

(2) the point at which that modification and revised Landscape Plan 00-LU-306 must be approved, before affected areas are disturbed; and

(3) the evidence supporting a finding under MCC 39.7515(B) that the revised arrangement will not adversely affect natural resources. The County should also clarify how responsibilities for habitat implementation and long-term maintenance will be allocated between Sandy and PWB.

Unless these issues are resolved with evidence and enforceable requirements, we maintain our request in Exhibit H1 that the application be denied.

Cottrell Community Planning Organization and Pleasant Home Community Association