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BEFORE THE MULTNOMAH COUNTY LAND USE HEARINGS OFFICER

Case No. T2-2025-0067

Re: Cottrell Pond Site Restoration, [8344 SE Cottrell Road](#)

Written Testimony of the Roberts Family Trust, Landowners

34828 SE Carpenter Lane.

Hearing Officer,

We are Tamara Wensenk, Ron Roberts, Mary Roberts, and Kristy McKenzie, submitting this testimony on behalf of the Roberts Family Trust, owner of the property at 34828 SE Carpenter Lane.

We submit this testimony separately from the Cottrell Community Planning Organization because our interest in this proceeding is not only as community members but as the directly affected landowners between the two related Portland Water Bureau projects at issue. Our property lies along Johnson Creek in the reach connecting the Bull Run Filtration Facility site to the Cottrell Pond restoration site — the same stream corridor both projects depend on and both projects will alter. Our land, and our domestic well, sit in the middle of the very cumulative impact zone the applicant's record fails to address.

We do not oppose habitat restoration on principle. We ask that the County require the same substantial evidence of existing conditions, mitigation adequacy, impact minimization, and cumulative effect that MCC 39.5590 already requires — evaluated with specific attention to the intervening property through which every upstream and downstream effect of these two projects must pass.

1. Existing and Baseline Conditions Must Include Our Reach of Johnson Creek

MCC 39.5590(B)(2) through (B)(4) require site analysis and biological/wetland survey information sufficient to establish existing conditions, and MCC 39.5590(C)(3)(d) requires the applicant to demonstrate the Riparian Area “can be restored to an equal or better condition.” Neither the Cottrell Pond application nor the Bull Run Filtration Facility record appears to include baseline data collected on our segment of Johnson Creek — the reach that sits between the two project sites and receives whatever hydrological, sediment, and groundwater changes originate at the Filtration Facility before those changes ever reach the pond restoration site. Without baseline data from our reach, the County cannot determine whether the “existing conditions” described in the Cottrell Pond application accurately reflect the water resource as it exists today, or whether upstream construction has already altered it.

2. Mitigation and Revegetation Commitments Must Account for Effects That Pass Through Our Property

The Compensatory Mitigation General Requirements at MCC 39.5590(D)(3), including the establishment and monitoring timeline at (D)(3)(f), require a defined and enforceable mitigation plan. As the landowners whose property forms the connecting corridor between the two project sites, we have a direct and immediate interest in whether that mitigation plan is adequate — because any shortfall in mitigation at either project site does not stay contained at that site. Sediment, altered flows, and bank instability travel through our property regardless of which project caused them. The record should identify how the applicant will monitor and account for mitigation performance specifically along the intervening reach, not only at the two project footprints themselves, and should explain what recourse exists if monitoring shows the intervening reach — our property — is being adversely affected.

3. The Alternatives and Minimization Analysis Cannot Be Evaluated Without Considering the Intervening Property

MCC 39.5590(C)(3)(a) and (b) require a showing that development has been limited to the minimum area necessary and that no practicable alternative exists. That analysis has been conducted site-by-site, as though the Filtration Facility and the Cottrell Pond restoration were unrelated projects with no shared effect on the land between them. Our property is that shared ground. Any alternatives analysis that does not account for how each project's construction and operation affects the reach running through our land is incomplete.

4. Cumulative Effects Cannot Be Assessed Without Evidence From the Property Between the Two Sites

MCC 39.5590(D)(2), and specifically factor (D)(2)(b)(iv), requires consideration of the cumulative adverse effects of past activities on the Riparian Area. We are positioned to speak to this factor directly, because our land is not a downstream observer of these two projects — it is the physical link between them. Any cumulative effect of Filtration Facility construction on streamflow, sediment, or groundwater necessarily crosses our property before the Cottrell Pond project can claim to restore “existing conditions” downstream.

We anticipate the applicant will argue that MCC 39.5590(D)(2)(b)(iv) only applies if the applicant is seeking an exception to the mitigation sequence under (D)(2)(a), and that no exception is needed because the Cottrell Pond project is “self-mitigating.” That argument cannot be evaluated in isolation from our property. A conclusion that the pond restoration is “self-mitigating” presumes a stable baseline downstream of the Filtration Facility. But if conditions on our property — the connecting reach — have already been altered by ongoing Filtration Facility construction, then the baseline the applicant relies on to claim “no net loss” is not the true existing condition; it is a condition already shaped by the first project. The County cannot accept a self-mitigating characterization for the second project without first establishing what the intervening property, including ours, looked like before construction began at either site, and what it looks like now.

Conclusion

We ask the Hearing Officer to require that the record for this application include evidence specific to the reach of Johnson Creek running through the Roberts Family Trust property at 34828 SE Carpenter Lane — the land connecting the Bull Run Filtration Facility and the Cottrell Pond restoration site — before concluding that the County has substantial evidence to support approval under MCC 39.5590(B), (C)(3), (C)(4), and (D).

For these reasons, we respectfully request that the decision be reversed or remanded for additional findings addressing the cumulative and site-specific effects on the intervening property.

Thank you.

Respectfully submitted,

Tamara Wensenk, Ron & Mary Roberts, and Kristy Mckenzie