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Date: October 29, 2026
To: Dan Kearns, Hearings Officer for T3-2026-0012
From: Multnomah County Land Use Planning Division
Subject: Conditions of Approval Clarification

At the hearing, staff sought to clarify two of the conditions of approval in the staff report. This memo is submitted to follow up on and further clarify the comments made during that presentation.

Condition of Approval No. 3 - Under Condition of Approval No. 3, page 5 of the staff report, there is a typo that renders the first sentence of the condition unintelligible. The sentence is intended to read: "Prior to issuance of a certificate of occupancy, the applicant shall provide the County with copies of a recorded agreement or agreements between the City of Sandy and Portland Water Bureau. The parties, and their successors and assigns, shall comply with the agreement(s), which shall run with the land."

Condition of Approval No. 4 - Under Condition of Approval No. 4, pages 5-6 of the staff report, there is a note that mentions modification of Condition of Approval No. 6 of T3-2022-16220, which is the Filtration Facility decision. Depending on whether the Sandy Pump Station (SPS) is constructed, Portland Water Bureau (PWB) may need to modify Condition of Approval No. 6 of T3-2022-16220 to replace the approved landscaping plan for the Filtration Facility.¹ That condition is not, however, a condition of this approval and needs to be met regardless of and independently from this approval. Should PWB fail to comply with Condition of Approval No. 6 of T3-2022-16220, the County can compel a modification pursuant to MCC 39.1200(A).² Staff are not recommending any conditions of approval for this application relating to the modification issue.

¹ Condition of Approval No. 6 of T3-2022-16220 provides: "Prior to issuance of a Certificate of Occupancy, the Water Bureau shall plant the Filtration Facility Site in a manner consistent with the Filtration Facility Landscape Plan (00-LU-306)."

² MCC 39.1200(A) provides:

"All Type I, Type II, Type III and Type IV decisions may be revoked or modified if the Planning Director determines a substantial likelihood that any of the following situations exists:

1. One or more conditions of the approval have not been implemented or have been violated; or
2. The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant."