Beery Elsner & Hammond LLP

ATTORNEYS AT LAW

October 30, 2026

VIA E-MAIL to lup-hearings@multco.us

Dan Kearns, Multnomah County Hearings Official
c/o Alexandra Howard, Deputy Director
Multnomah County Land Use Planning
600 SE 190th Ave.
Portland, OR 97233

Re: Applicant's Submittal for First Open Record Period
T3-2026-0012

Dear Mr. Kearns:

Please accept this letter and its attachments as Applicant City of Sandy's submittal for the first open record period in Case File T3-2026-0012. With this letter, the Applicant is providing additional evidence and argument relative to that application, including in response to several issues raised at, or prior to, the hearing in this matter that was held on October 9, 2026.

This letter includes the following attachments:

- "City of Sandy Pump Station at the Bull Run Filtration Site – Natural Resources Analysis" by Sarah Hartung, Senior Ecologist, ESA (Attachment A) and Ms. Hartung's resume (Attachment B)
- "City of Sandy Pump Station Exterior Noise Analysis" by Owen Green, Acoustician, Stantec (Attachment C)
- Depictions of the visual screening of the proposed Sandy Pump Station (Attachment D)
- The prior hearings officer decisions in Case File T3-2022-16220, as requested by the Hearings Officer at the October 9, 2026, hearing
- Appendices from Case File T3-2022-16220 that are cited in the appendices for this application, including:
    - Applicants Final Written Argument Under ORS 197.763(6)(e) rec 9.28.23
    - Portland Water Bureau Filtration Project – Habitat Impact Analysis. April 15, 2025.
    - E.3 Bull Run Filtration Facility Exterior Noise Analysis
    - Response to Public Comments Related to Farm Use Impacts in Mult City rec 8.7.23
    - N.58 Filtration Facility Site Stormwater Drainage Report 4.15.2025
    - Globalwise Response to Testimony Related to Cumulative Farm Impacts
    - D.1 Agricultural Compatibility Study
    - Bull Run Filtration Project Traffic Impact Analysis
    - Bull Run Filtration Construction Traffic Impact Analysis
    - Bull Run Filtration Construction Traffic Impact Analysis_6.2.23

t 503.226.7191
f 503.226.2348
e info@behlaw.com
1804 NE 45th Ave.
Portland, OR 97213-1416
www.behlaw.com

I. Noise Issues

Testimony submitted at and prior to the October 9, 2026, hearing expressed concerns about the noise that would be generated by the proposed Sandy Pump Station during ordinary operation and whether it would be consistent with the character of the area under MCC 39.7515(A). As demonstrated by Attachment C, the noise emanating from the Sandy Pump Station during normal operations will be inaudible in the surrounding area based on an analysis of (1) the noise expected to be generated by the proposed facility and (2) measured ambient noise levels.

Testimony also requested clarification regarding "how the proposed noise condition will be monitored and enforced" and requested "an enforceable requirement to investigate and promptly correct verified tonal or persistent noise that is inconsistent with the approved acoustical analysis." H.1 CCPO & PHCA Written Submittal rec 10.09.2026 at 7. In order to address that concern, Applicant proposes that the Hearings Officer adopt the following condition of approval, modeled after Condition of Approval 14 in Case File T3-2022-16220:

> Proposed Noise Monitoring Condition of Approval
>
> The City of Sandy shall complete a noise study within six months of the Sandy Pump Station becoming fully operational in order to verify noise at property lines does not exceed 50 dBA at all times during normal operations and does not exceed 60 dBA during testing of emergency equipment. The study shall be conducted by a professional engineer and the results documented in a written report that shall be available for public inspection. The City of Sandy shall notify Multnomah County Land Use Planning if the study determines any of the noise thresholds have been exceeded and what modifications to the Sandy Pump Station are proposed to bring it into compliance.
>
> a. The noise study and proposed modifications, if any, shall be submitted to Multnomah County Land Use Planning within 45 days of the six-month anniversary of the Sandy Pump Station becoming fully operational.
>
> b. Any modifications to the Sandy Pump Station found to be necessary to mitigate noise, as agreed by Multnomah County Land Use Planning and the City of Sandy, shall be completed within six months of the noise study's completion.
>
> c. After any modifications, a new noise study will be completed within a time period agreed upon by Multnomah County Land Use Planning and the City of Sandy to verify that the modifications were successful.

II. Natural Resources Issues

Testimony submitted at and prior to the hearing expressed concerns about whether the landscaping proposed as part of this application meets the standard of "will not adversely affect natural resources" as required by MCC 39.7515(B). Specifically, the concerns relate to a comparison of the natural resources functions under the present proposal on the one hand and the landscaping approved under Case File T3-2022-16220 on the other hand. At the hearing, the Hearings Officer also raised the question of whether the appropriate baseline for evaluation of natural resources functions is (1) current on-the-ground conditions (i.e., no meaningful natural resource function), or (2) the landscaping approved under Case File T3-2022-16220.

As demonstrated by Attachment A, natural resource functions under the present proposal are equal or better than under either baseline.

III. Alternatives Analysis and Project Need

Testimony submitted at and prior to the hearing appears to argue that Applicant is required to perform an alternatives analysis to explain why other potential locations for the Sandy Pump Station were rejected, and to demonstrate project need. H.1 CCPO & PHCA Written Submittal rec 10.09.2026 at 5-6. However, no code provision or other authority requires such an analysis to be performed, and the testimony points to none. As demonstrated by the application materials and staff report in this matter, as well as this submittal, all criteria applicable to this application have been met.

Nevertheless, Applicant provides the following brief explanation of project need and its siting decisions:

- The project need is described in further detail in the application narrative, but in short: The City of Sandy obtains water from the City of Portland. The City of Portland's finished water supply is relocating to the Bull Run Filtration Facility, so the City of Sandy must relocate its connection to that facility as well.
- The proposed Sandy Pump Station location was selected, and was determined to be the most suitable, because:
    - It is situated closer to the developed area on the overall Filtration Facility site; (including the driveway access) than the previously approved Pleasant Home Pump Station, thus reducing habitat encroachment, as further detailed in Attachment A
    - It is located further from residences and farmland than the previously approved Pleasant Home Pump Station; and
    - Both the proposed Sandy Pump Station location and the previously approved Pleasant Home Pump Station would be located outside of the Bull Run Filtration Facility fencing.

IV. Nearest Residence

Testimony submitted at and prior to the hearing included the assertion that "a nearby home is reportedly about 50 feet from the property line at the proposed site." H.1 CCPO & PHCA Written Submittal rec 10.09.2026 at 1. This is incorrect. The closest residence is on Carpenter Lane and approximately 212 feet north of the proposed Sandy Pump Station, as illustrated in Figure 1 below. As described in the application, the proposed Sandy Pump Station building is set back 112 feet from the northern property line. Thus, the nearest residence is 100 feet from that property line, for a total of 212 feet between the Sandy Pump Station and the residence.

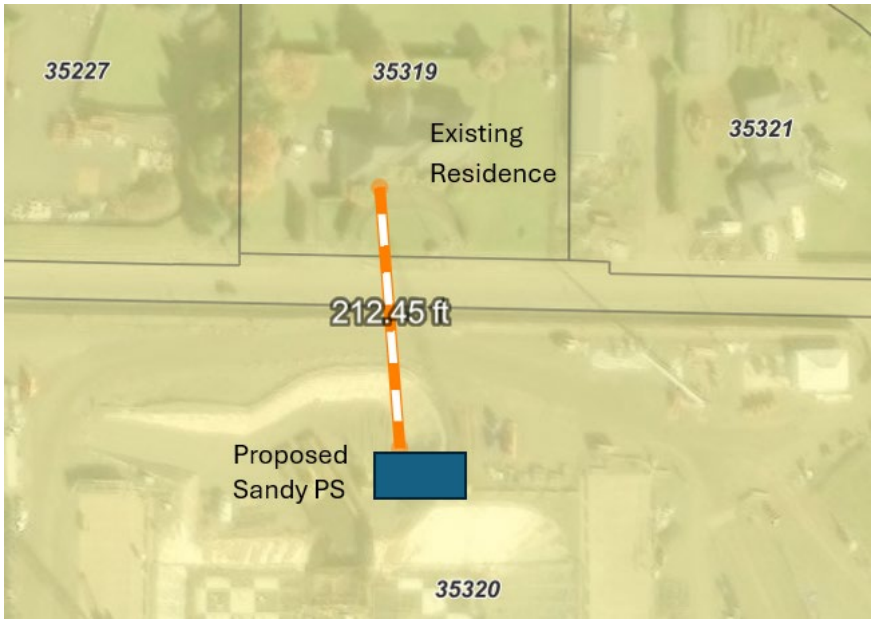


Figure 1. Plan showing distance between Sandy PS and nearest residence
(Source: MultCo LUP Jurisdiction Map)

V. Conclusion

For the foregoing reasons, the Applicant requests that the Hearings Official approve the application.

Sincerely,

Josh Soper
Of Attorneys for Applicant City of Sandy

ESA

1615 SE 3rd Avenue
Suite 400
Portland, OR 97214
503.274.2010 phone
503.274.2024 fax

esassoc.com

memorandum

date	October 27, 2026
to	Winterbrook Planning
cc	Project file
from	Sarah Hartung, Senior Ecologist, ESA
subject	City of Sandy Pump Station at the Bull Run Filtration Site – Natural Resources Analysis

Introduction

At the request of Winterbrook Planning, ESA prepared this memorandum to respond to comments related to the potential impacts to natural resources of the City of Sandy's proposed pump station (PS) design at the Portland Water Bureau's (PWB) Bull Run Water Filtration Plan Facility (Facility). The PS is an alternative design to the Pleasant Home Pump Station (PHPS) and Fire Pump Station and is planned for installation in the northern portion of the Facility, but further east in a slightly larger footprint than the previously approved design (Figure 1).

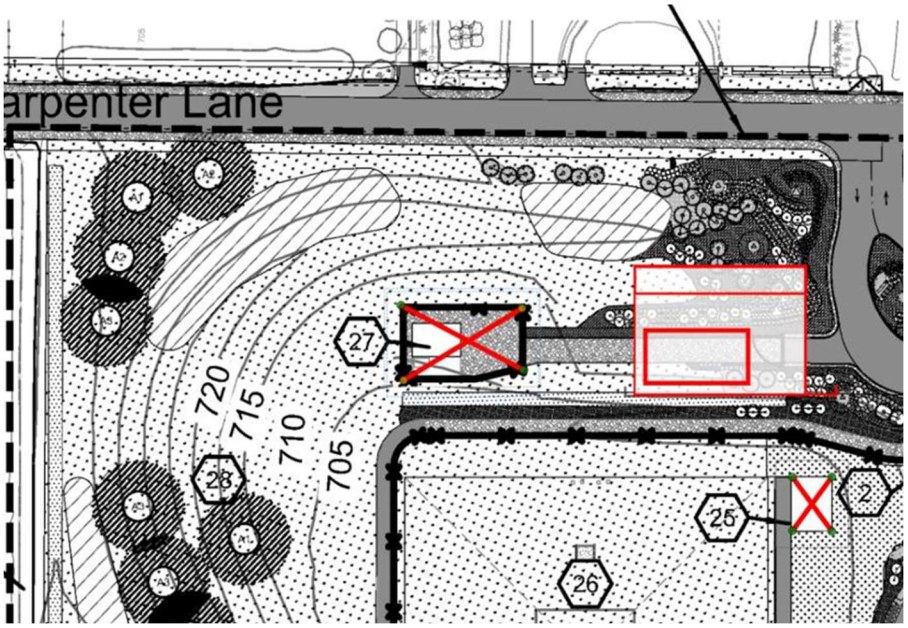


Figure 1: Approved Landscape Plan, 2025, and proposed Sandy pump station replacing PHPS (#27) and Fire PS (#25) (not to scale)

Other changes to the previously approved plan include the removal of a fire pump and shortening of access to the PS (Figure 1). This memo responds to public comments contending that the record contains an insufficient evaluation of the impacts of the PS to natural resource quality and function by comparing the proposed PS location with current construction conditions and comparing the proposed PS location with the habitat areas approved in the Facility remand proceeding (Case File T3-2022-16220). In both scenarios, the proposed changes to the PS would yield "as good" or better natural resource conditions and wildlife habitat quality and function.

Scenario 1: Proposed Pump Station vs. Current Site Conditions

Current conditions at the Facility consist of an active construction site with large equipment and numerous personnel working six days a week (Figure 2). The site has been cleared, excavated, graded, and graveled to accommodate construction phasing. Up to seven tower cranes are on-site lifting heavy equipment and supplies tens of feet into the air. No natural habitat and no wildlife corridors are present on site under current conditions due to the disturbed terrain and intensive construction activities that are on-going. While the construction is temporary, it provides a snapshot in time of available natural resources (or lack thereof). As is apparent in Figure 2, no vegetation of any kind is currently present at the site, and thus no safe wildlife passage, foraging or breeding habitat is present.



Figure 2: Current Site Conditions – Construction, 2026, with Sandy PS area outline in red (not to scale)

The proposed PS area and proposed landscaping are shown in Figure 3. The proposed design will expand opportunities for wildlife passage and will provide additional foraging/breeding habitat for certain wildlife species.

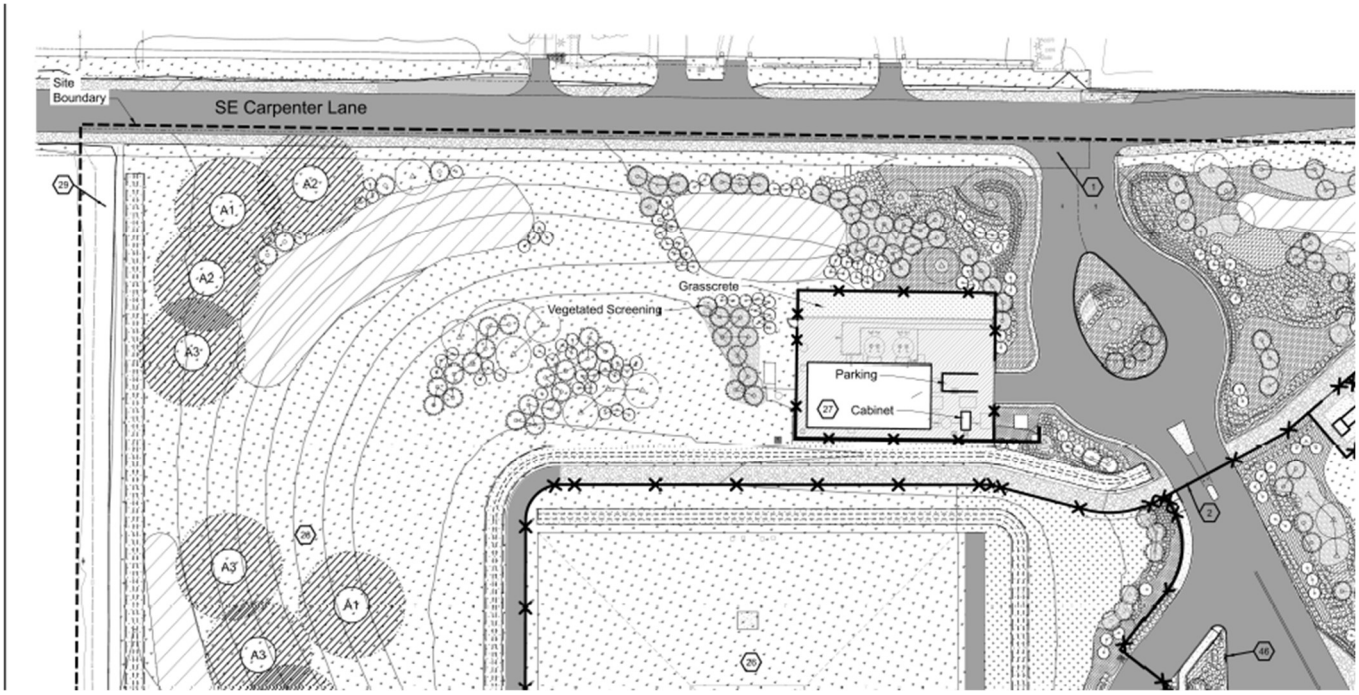


Figure 3: Proposed PS area (in bold) and Landscape Plan (not to scale)

The proposed plan will provide 45 trees and 63 shrubs as well as natural ground cover (Figure 3). In comparison to existing site conditions, the proposed PS location would improve natural resources and no adverse impacts to natural resources would result from the proposed PS location. A summary of the proposed project compared with current construction activity conditions is presented in Table 1.

TABLE 1: COMPARISON OF PROPOSED PS LANDSCAPING VS. EXISTING CONDITIONS

Description	Proposed PS Landscaping	Current Conditions (Construction Site)
# of trees and shrubs	45 trees, 63 shrubs	0
Natural groundcover present / proposed?	Yes	No
Wildlife corridor present / proposed?	Yes	No
Screening provided?	Yes	No
Overall Conclusion	**Improved Natural Resources / No Adverse Effects on Natural Resources**	--

Scenario 2: Proposed PS Location vs. Previously Approved Plan

The proposed PS design includes a footprint slightly larger than the pump stations approved through the Facility land use approval. However, the reduction in total habitat area is just 172 square feet, which equates to less than one one-hundredth of one percent of the 47-acre wildlife habitat area to be planted on the Facility site. The PS is sited further to the east adjacent to the driveway access and thus closer to human and vehicle activity. This proposed shift in location of the PS would concentrate built components of the facility to the east, effectively expanding the area of potential wildlife passage and improving habitat function and quality (Figure 4). Wildlife movement areas will be provided along the western and northwestern perimeter of the Facility. The previously

approved PS was situated where it encroached into the natural habitat and reduced the habitat patch size. Larger habitat patches tend to provide more habitat functions for wildlife species; thus, the proposed PS location is anticipated to improve habitat functions for resident and migratory wildlife species.

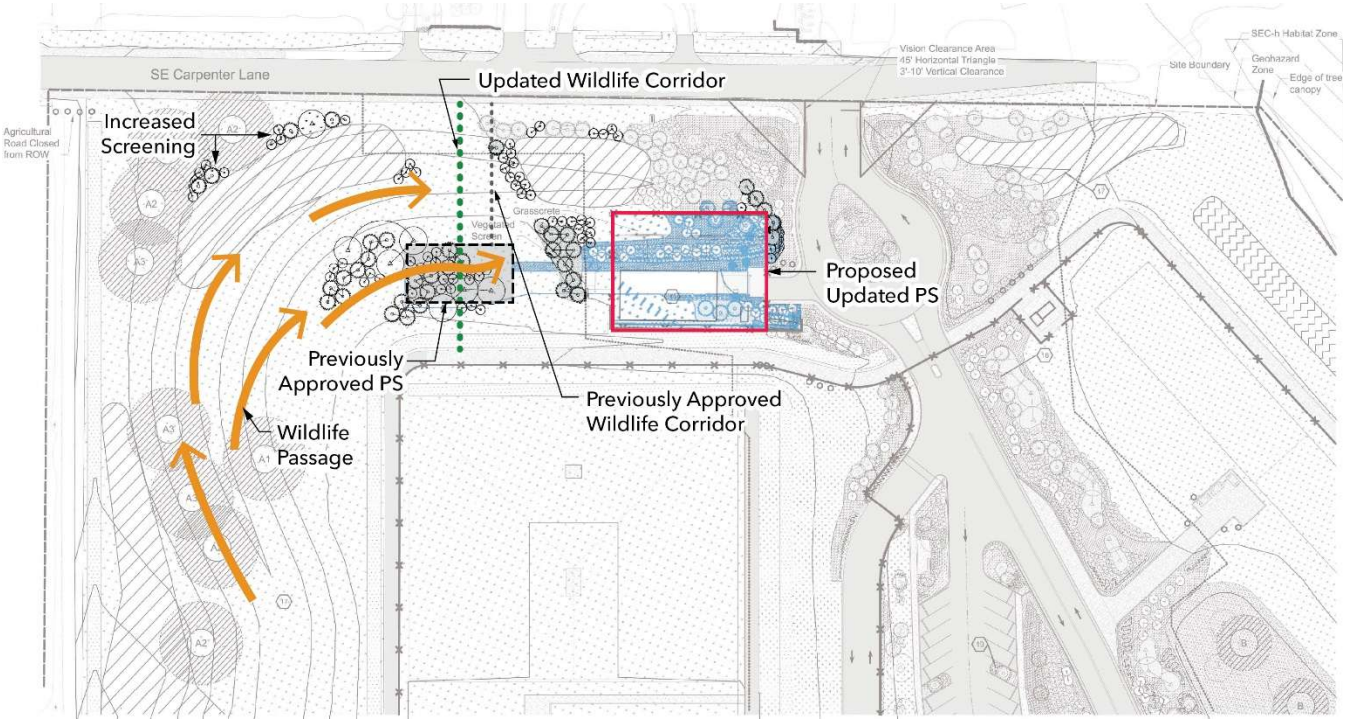


Figure 4: Habitat Benefits of the Proposed PS Location vs. Previously Approved Plan

In both scenarios (the proposed PS and previously approved pump station), disturbed ground would be revegetated following construction, but the proposed plan would add more trees and shrubs to the landscaping plan. Moreover, the new plant locations and increase in diversity and number of plants results in equal or better wildlife habitat quality and function within the area surrounding the PS. Refer to Table 2 for a list of species from the previously approved plan that will be removed and the new species that will be planted under the proposed landscaping plan.

TABLE 2: COMPARISON OF TREE AND SHRUB SPECIES TO BE REMOVED & PROPOSED SPECIES

	Botanical Name	Common Name
	Trees	
Trees & shrubs to be removed	*Pinus ponderosa*	Ponderosa pine
	Calocedrus decurrens	Incense-cedar
	Shrubs	
	Garrya elliptica	Coast silktassel
	Mahonia aquifolium 'Compacta'	Compact Oregon grape
	Myrica californica	Pacific wax myrtle
	Philidelphus lewisii 'Snow Dwarf'	Snow Dwarf mock orange
	Polystichum munitum	Sword fern
	Botanical Name	**Common Name**
Trees & shrubs to be planted	**Trees**	
	Alnus rhombifolia	White alder
	Pinus ponderosa var. benthamiana	Pacific ponderosa pine
	Pseudotsuga menziesii	Douglas-fir
	Quercus garryana	Oregon white oak
	Rhamnus purshiana	Cascara
	Shrubs	
	Cornus sericea 'Kelseyi'	Kelsey's red-osier dogwood
	Garrya elliptica	Coast silktassel
	Mahonia aquifolium 'Compacta'	Compact Oregon grape
	Myrica californica	Pacific wax myrtle
	Philidelphus lewisii 'Snow dwarf'	Dwarf mock orange
	Polystichum munitum	Sword fern
	Spiraea betulifolia 'Tor''	Birchleaf spirea
	Vaccinium ovatum	Evergreen huckleberry

The increase in number and diversity of trees and shrubs would result in improved screening and additional opportunities for wildlife foraging and cover in the northwest corner of the site. The proposed PS design would maintain, if not improve slightly, habitat connectivity at the Facility and would increase vegetation structure and diversity by expanding the areas proposed for planting. A comparison of the proposed PS and the planting plan approved in the Facility remand proceeding is presented in Table 3.

TABLE 3: COMPARISON OF PROPOSED PS VS. PREVIOUSLY APPROVED PS

Condition	Proposed PS Updates	Previously Approved PS
Increase in impervious surface	+172 sf	--
Affected landscaping (No. of trees and shrubs)	45 trees and 63 shrubs in the NW corner of the site	7 trees, 27 shrubs in the NW corner of the site
Natural groundcover present / proposed?	Yes	Yes
Wildlife corridor / passage present / proposed?	Yes, plus additional width by shifting PS to the east	Yes, but the building encroached within the wildlife corridor provided in the NW corner
Screening provided?	Yes, plus additional screening along NW berm	Yes
Overall Conclusion	**Improved Natural Resources / No Adverse Effects on Natural Resources**	--

Conclusions

Scenario 1: Current conditions at the Bull Run Water Treatment Facility are disturbed due to construction activities and do not provide natural resources, whereas the proposed PS design in its finished state would be a substantial improvement compared to current conditions.

Scenario 2: The previously approved PS was positioned further west in the NW corner of the site which encroached within the wildlife corridor / screened area just south of SE Carpenter Lane. In both scenarios, the proposed PS would yield “as good” or better wildlife habitat quality and function when compared to the approved Facility and will not adversely affect natural resources.

Sarah Hartung, PWS

Senior Ecologist – Wetlands and Wildlife



EDUCATION

M.S., Avian Ecology, University of Illinois

Bachelor of Arts, Biology, Hamline University

25 YEARS' EXPERIENCE

CERTIFICATIONS/REGISTRATION

Professional Wetland Scientist (PWS): #2933

Oregon Department of Transportation Consultant Qualification for Providing Endangered Species Act Documentation

Sarah is a senior ecologist with 25+ years of experience in natural resource planning, permitting, mitigation strategies, and habitat restoration. Sarah has successfully supported numerous infrastructure improvement projects with complex regulatory issues in riparian, wetland and upland environments. Sarah's expertise is in avian (bird) ecology, but she has a broad understanding of wildlife biology and the habitat requirements of other animal groups including mammals, amphibians, and fish. Through her attention to detail and technical accuracy, Sarah has gained the trust of local and regional regulatory agencies including DSL, DEQ, ODFW, USFWS, USACE. She recently provided expert testimony for a glamping project in Klickitat County, Washington where she demonstrated how the project balanced conservation of Western Gray Squirrel habitat with the proposed seasonal camping facility on former timberland.

Relevant Experience

Bull Run Water Filtration Project, Troutdale, OR. *Senior Ecologist.* Sarah has assisted with various natural resource assessment tasks related to this project from 2021 through 2026, including baseline habitat surveys for a federally listed species (streaked horned lark); a habitat evaluation procedure (HEP) analysis to describe pre- and post-project habitat conditions at the Water Filtration Plant and how proposed changes will not adversely affect natural resources. She has also assisted with breeding bird surveys during construction to help minimize/avoid impacts and assisted with fish and amphibian salvage at the pipeline portion of the project.

Under Canvas Columbia River Conditional Use Permit, Klickitat County, WA. *Senior Scientist.* Sarah and the ESA team provided a suite of services to facilitate county approval of this glamping project including wetland delineation, local land use permits, and testimony during an appealed land use decision to describe avoidance/minimization measures related to Western Gray Squirrel Habitat. The project was approved in 2020.

Site Conservation Plans (SCPs) and Ecological Enhancement Plans (EEPs), Hillsboro, OR. *Senior Scientist.* From 2017 to 2023, Sarah served as lead author assisting Metro and Clean Water Services with updating their respective habitat conservation plans for several sites including: Brown Natural Area, King's Bend, Baker Creek, and Dairy McKay.

Metro Target Area Ecological Assessment - Cooper Mountain, Portland, OR. *Senior Ecologist.* Sarah led the field assessment of wildlife passage barriers and opportunities for restoration, reviewing previous plans and studies for the area, and preparing the target assessment report for review on an expedited schedule.

Waite Ranch Tidal Wetland Restoration - Permitting and Design Services, Florence, OR. *Senior Ecologist.* Sarah oversaw preparation of several local, state and federal permit applications and studies including: JPA (Corps and DSL), biological assessment (USFWS), Type II Floodplain Permit and Natural Estuary Review and Riparian Enhancement. She facilitated expedited review of permits to allow construction to begin in 2023.

39250 Pioneer Blvd
Sandy, OR 97055
503-668-5533

Technical Memorandum

Subject: City of Sandy Pump Station Exterior Noise Analysis

Date: October 28, 2026

To: AJ Thorne, Public Works Director
City of Sandy

Prepared by: Owen Green, Acoustician
Stantec

Reviewed by: Tracie Ferguson, Senior Associate, Acoustics
Stantec

39250 Pioneer Blvd
Sandy, OR 97055
503-668-5533

1. Introduction

This memo presents Stantec's response to the Cottrell Community Planning Organization's (CCPO) and Pleasant Home Community Association's (PHCA) opposition submittal (ref: T3-2026-0012), detailed in the document, *H.1 CCPO & PHCA Written Submittal rec 10.09.2026*. Section IX of this document, titled *Continuous Operational Noise May Be Inconsistent with the Character of the Area*, describes objections regarding the noise emanating from the Sandy Pump Station building. These objections are also referenced in other parts of the document, including Appendix A. The objections described in Section IX are provided below.

> IX. Continuous Operational Noise May Be Inconsistent with the Character of the Area
>
> MCC 39.7515(A) requires the proposed community service use to be consistent with the character of the area. That analysis should account for the sound the facility will produce during ordinary operation, not only its appearance or the number of vehicle trips it generates.
>
> The proposed Sandy Pump Station is expected to operate as a utility facility, and the County's proposed condition would limit normal operational noise to 50 dBA at any property line. However, a decibel limit alone does not fully describe how sound will be experienced by nearby residents. A persistent, tonal or low-frequency humming sound may be more noticeable and intrusive than intermittent sounds at a similar measured level, particularly during quiet evening and nighttime periods when background noise is low.
>
> The surrounding area has a rural residential character. A continuous mechanical hum audible at nearby homes would introduce a persistent industrial or utility sound into that setting and may be inconsistent with the area's character under MCC 39.7515(A). The County should not assume that the proposed 50 dBA limit resolves this concern without examining the actual sound characteristics and the assumptions used in the applicant's acoustical analysis.
>
> We ask the Hearings Officer to review Appendix F, the acoustical analysis, and require the applicant to clarify whether the analysis evaluates tonal or low-frequency noise, the expected duration and frequency of pump operation, nighttime operating conditions, and sound levels at the nearest residences—not only at the parent parcel's property line. The County should also explain how the proposed noise condition will be monitored and enforced if nearby residents experience a persistent hum after the station begins operating.
>
> If the applicant has not demonstrated that the facility's expected operational sound will be consistent with the character of the area, the County should deny the application. At minimum, any approval should include an enforceable requirement to investigate and promptly correct verified tonal or persistent noise that is inconsistent with the approved acoustical analysis.

The objections raised primarily focus on the character (either tonal or low frequency) of continuous noise produced by the Sandy Pump Station. When considering the character of a sound, one must focus on the spectral (frequency) content of the sound, rather than the overall noise level. In this case, the noise spectra corresponding to noise emanating from the Sandy Pump Station will not interfere with the noise spectra of the ambient environment.

For details regarding the relevant codes, noise prediction methodology, or source levels, please refer to Exhibit A.8 Appendix F. Acoustical Analysis.

2. Sandy Pump Station Equipment Operation

The analysis provided in Appendix F. Acoustical Analysis, addressed a design change to the overall project site. Two buildings, the Pleasant Home Pump Station and Fire Pump Station, are anticipated to be removed from the site design and replaced by the proposed Sandy Pump Station. While the memo considered noise produced by the entire site, only the Sandy Pump Station is the subject of this land use review, as the original site design was previously approved.

The dominant noise-generating equipment housed in the proposed Sandy Pump Station is four pumps, one surge tank compressor, one AC unit, and two exhaust fans that will produce noise during normal operations. A generator also housed in the building will provide emergency back-up power.

It is expected that the emergency generator will only function during active emergencies or during testing of the emergency systems. The pumps will operate routinely to circulate fresh water to the Revenue Avenue Reservoir during peak season. This pumping operation typically lasts for only a few hours per day. Outside of peak season, the pump operation is even more limited, with the exception of possible emergency use.

3. Description of Ambient Noise

Tables 2 and 3 within the acoustic analysis define the overall ambient noise levels measured at various locations around the perimeter of the project site. These measurements were conducted by the Greenbusch Group in 2019 to provide information regarding the existing ambient environment surrounding the project site.

Location 1 described in the ambient study conducted by the Greenbusch Group represents the location closest to the Sandy Pump Station. Measurements at Location 1 occurred between 11:00 AM, 4/5/2019 to 11:00 AM, 4/8/2019. An hourly average for both the daytime and nighttime ambient noise levels and the corresponding octave band data measured at these locations are provided in Table 1.

Table 1. Daytime and Nighttime Average Ambient Noise Levels at Location 1 (Ref Greenbusch Group Ambient Noise Study)

Location	Overall Leq (dBA)	Octave Band (dB)							
		63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz	8000Hz
Location 1 (Day)	49	59	53	49	46	44	41	40	31
Location 1 (Night)	44	51	48	44	41	36	35	33	28

4. Sandy Pump Station Noise Analysis

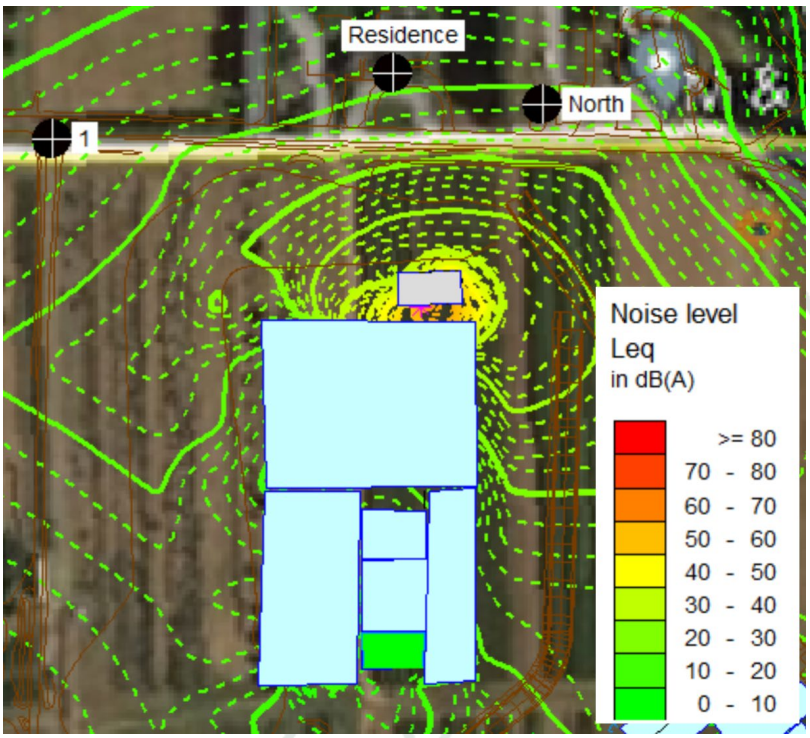
The Sandy Pump Station contains equipment that will not be in operation for a prolonged duration and varies with the time of year. It is expected that the required operation of this equipment will increase annually to accommodate increased demands and requirements for fresh water.

Table 2 summarizes the predicted noise levels and octave band data experienced at three receptors during normal operations. Figure 1 depicts the predicted noise contours produced by the equipment operation.

Table 2. Predicted Overall Sound Pressure Levels and Octave Band Data at Nearby Receptors

Receptor	Overall Leq (dBA)	Octave Band (dB)							
		63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz	8000Hz
Receptor 1	9	30	20	9	4	1	-11	-12	-28
North PL	15	34	25	15	11	8	-2	-1	-11
Residence	15	35	25	15	11	7	-4	-3	-14

Figure 1. Predicted Noise Contours Due to Equipment at Sandy Pump Station



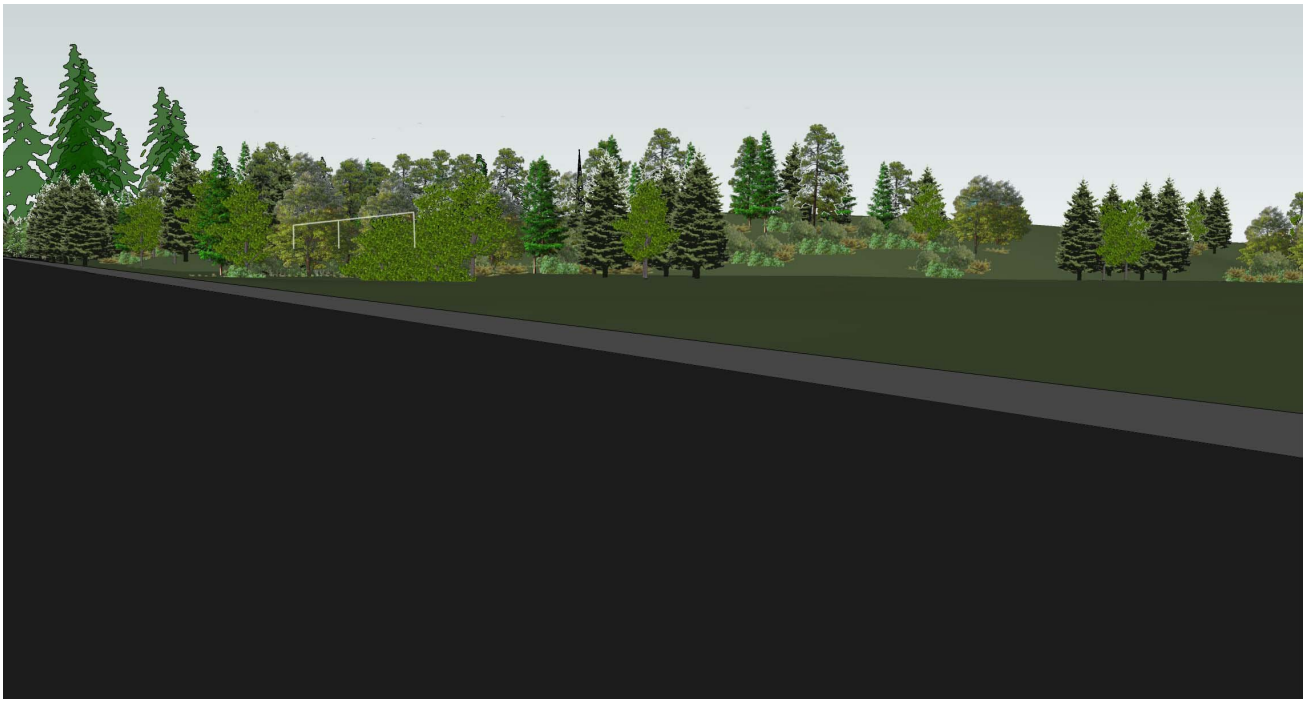
As presented in Table 2 and Figure 1, the predicted noise levels due to Sandy Pump Station equipment experienced at the nearest receptors are not significant. Low frequency noise remains well below typical ambient noise levels in this environment. Tonal components of the noise are difficult to quantify because manufacturers typically provide acoustic data in octave band format, whereas tones are typically assessed using one-third octave band data. However, the predicted noise levels across the entire frequency spectrum should be imperceptible in this environment.

5. Conclusion

A comparison of ambient noise (Table 1) and equipment operation noise (Table 2) indicates that the overall noise level and all corresponding octave band levels produced by the equipment operation are significantly below ambient noise levels. Therefore, the noise produced by the Sandy Pump Station equipment will be imperceptible relative to the background noise levels.

Attachment D. Renderings

Rendering of View from Carpenter Road with Pumpstation Outline (see also Exhibit B: Design Drawings and Visualizations, page 6)



Rendering of Front Entry with Pumpstation Outline (see also Exhibit B: Design Drawings and Visualizations, page 7)

