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MEMORANDUM

TO: Clackamas County Board of Commissioners
FROM: Dan Johnson, DTD Director, and Jennifer Hughes, Planning Director
DATE: November 1, 2022
RE: Update: Portland Water Bureau Bull Run Filtration Plant

FOR INFORMATION ONLY: Staff was asked to provide a status update on the Portland Water Bureau's (PWB) planned project to develop a water filtration plant for Bull Run water, specifically as it relates to development review requirements in Clackamas County.

The plant itself is proposed to be built in Multnomah County, immediately north of the County line. At one point, PWB anticipated the construction of new water pipelines in Clackamas County, which would have required land use review. However, their attorney recently advised that these new pipelines are not needed. As a result, **the only related development expected to be in Clackamas County is an emergency access/temporary construction road** to the filtration plant. The primary access for the plant will be in Multnomah County.

The emergency access under consideration by PWB is an existing private drive that intersects Bluff Road north of its intersection with 362nd Ave. The temporary construction access would use most of the emergency access road but would branch off and intersect Bluff Rd to the west of the emergency access road intersection. PWB anticipates upgrading the existing access, which is zoned RRF-5 (rural residential farm forest 5-acre district) in part and EFU (exclusive farm use) in part.

A water filtration plant is a Conditional Use in RRF-5, and a Type II Utility Facility in EFU; therefore, the emergency access road to the plant will also require a Conditional Use permit and a Type II Utility Facility permit. (Note that the zoning was reviewed based on the information currently available to County staff regarding the access road proposal; however, if PWB submits

a different/more detailed proposal, it could change the scope of the required land use applications.) Currently County Code stipulates that all Conditional Use permits are reviewed by the Land Use Hearings Officer, not the Board of County Commissioners, subject to applicable criteria. Type II Utility Facilities are reviewed by staff with optional appeal to the Hearings Officer. The applicant may choose to advance both applications for review by the Hearings Officer.

To date, **no land use applications have been filed** for the emergency access road, and a pre-application conference will be a prerequisite if a Conditional Use is required as discussed above. (PWB held a related pre-application conference in 2019, but it is expired, and a new one would be needed.)