



Notice of a Public Hearing Before the Land Use Hearings Officer on an Appeal of a Planning Director Decision on a Proposal in Your Area

Date of Mailing of this Notice: July 27, 2023.

Notice Sent To: Agencies, Community Planning Organization(s) and property owners within 2,640 feet of the subject property.

HEARING DATE: August 17, 2023

HEARING TIME: This hearing will not begin before 9:30 a.m.. However, it may begin later depending on the length of any preceding items.

HEARING LOCATION: The public hearing will be conducted virtually using the Zoom platform. One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website: www.clackamas.us/meetings/planning/hearingsofficer

File Number: Z0036-23

Appellant: Surface Nursery, Inc

Applicant: Portland Water Bureau

Property Owner: Surface Family Trust, Debra M. Surface, Trustee; and Nathan Burkholder and Brittany Burkholder

Proposal: To construct an emergency access road to serve a proposed water filtration facility in Multnomah County. The applicant characterizes the use as a “utility facility necessary for public service”, which is a use potentially allowed in the Exclusive Farm Use zone. The emergency access road is proposed to have an all-weather gravel surface and to vary in width from 20 to 26 feet (widening to 26 feet around the proposed fire hydrants) and will include fiber optic cable, a water supply line and two fire hydrants. The applicant also proposes a temporary construction access road with an all-weather gravel surface and a width of 30 feet. A temporary construction easement is also proposed adjacent to the emergency access road. Both the temporary and permanent easements will vary in width.

Planning Director’s Initial Decision: Approved with conditions in part and Denied in part.

- The conditional approval was for the emergency access road only.
- The temporary construction road proposed to extend southwest across tax lot 200 from the proposed emergency access road was excluded from this approval. Temporary construction easements adjacent to the emergency access road are limited to those needed to accommodate construction of the emergency access road. The land use decision did not authorize use of the emergency access road by filtration plant construction traffic.

Applicable Zoning and Development Ordinance and Comprehensive Plan Criteria: Section(s) 202, 401, 1002, 1003, 1004, 1006, 1007, 1009 and 1307. These criteria may be viewed online at <http://www.clackamas.us/planning/zdo.html>

Site Address and/or Location: 36181 SE Bluff Rd, Boring, OR 97009; along the eastern property boundary of 36181 SE BLUFF RD, directly north of the intersection of SE Bluff with SE Proctor Rd. and SE 362nd Ave

Assessor's Map & Tax Lot(s): T1S R4E Section 27 Tax Lots 00100 and 00200 and T1S R4E Section 26 Tax Lot 04800, W.M.

Property Size: Approximately 53.91 acres in three separate tax lots.

Zoning: Exclusive Farm Use (EFU)

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

HOW TO OBTAIN ADDITIONAL INFORMATION

Staff Contact: Joy Fields; 503-742-4510 or jfields@clackamas.us

A copy of the Planning Director's initial decision, the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at the Planning Division offices. Copies may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents, or you may view these materials:

1. By emailing or calling the staff contact; or
2. Online at <https://accela.clackamas.us/citizenaccess/>. After selecting the "Planning" tab, enter the File Number to search. Select Record Info and then select "Attachments" from the dropdown list, where you will find the submitted application.

Community Planning Organization for Your Area: The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at communityinvolvement@clackamas.us. **CPO:** Cottrell, **Contact:** Mike Dawson; cottrellcpo@gmail.com.

HOW TO SUBMIT TESTIMONY ON THIS APPLICATION

- All interested parties are invited to "attend" the hearing remotely online or by telephone and will be provided with an opportunity to testify orally, if they so choose. One week prior to the hearing, specific instructions will be available online at www.clackamas.us/meetings/planning/hearingsofficer
- Written testimony received prior to the close of the record on this matter will be provided to the Hearings Officer for consideration. Please note that the record may close as soon as the conclusion of the public hearing.
- Written testimony may be submitted by email, fax, regular mail, or hand delivery. Please include the permit number on all correspondence and address written testimony to the staff contact who is handling this matter.
- Testimony, arguments, and evidence must be directed toward the criteria identified above, or other criteria in the Zoning and Development Ordinance or Comprehensive Plan that you believe apply to the decision. Failure to raise an issue in person at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Hearings Officer and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Hearing Officer's decision will be mailed to you if you submit oral or written testimony or make written request for notice of decision **and provide a valid mailing address.**

PROCEDURE FOR THE CONDUCT OF THE HEARING

The hearing will be conducted by one of the Land Use Hearings Officers, who are appointed by the Board of County Commissioners to conduct public hearings and issue decisions on certain land use permit applications. The following procedural rules have been established to allow an orderly hearing:

1. The length of time given to individuals speaking for or against an item will be determined by the Hearings Officer prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The Hearings Officer will either continue the hearing or leave the record open for additional written evidence, argument, or testimony.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод?

翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?