

## MEMORANDUM

To: Hearings Officer

From: Land Use Planning

Date: June 30, 2023

Land Use Case: T3-2022-16220 Portland Water Bureau Water Filtration Facility & Pipelines

After the posting of the staff report on June 22, 2023, Portland Water Bureau's consultant reached out to discuss the expiration time period requested in their application in Exhibit A.2, page 6, third dot, which requests a seven-year expiration period for those portions of the project in the MUA-20 and RR zones.

The request specifically states:

- Due to the scope and complexity of this consolidated project, and to ensure final completion of all construction activities can be achieved, including any conditions of approval that may extend construction schedules, pursuant to MCC 39.1195(E)(1) the Water Bureau requests an alternative seven-year completion of construction expiration date for those portions of the project in the MUA-20 and RR zones (the exception lands under MCC 39.1195(E)), in place of the typical project four-year completion of construction expiration date set forth in MCC 39.1195(B)(2).2

As the staff report does not specifically discuss this ask as part of it, Land Use Planning is adding this supplemental discussion to the record.

The code section cited in Exhibit A.2 is incorrect. The correct code cite is MCC 39.1185(E).

The footnote 1 in Exhibit A.2 cites the code section correctly. MCC 39.1185(E) states "Notwithstanding Subsections (A), (B), or (C) of this section, on exception lands the decision maker may set forth in the written decision specific instances or time periods when the permit expires."

Land Use Planning is not aware of any other explanation or reasoning to support the extended time period. During the review of the subject project, Land Use Planning requested information about project timelines but was given very limited information. It was stated to us that the project needed to be operational by 2028. Their webpage<sup>i</sup> states that "The filtration facility and pipelines are needed to meet federal and state drinking water regulations and will be in operation by September 30, 2027."

Planning staff is not certain how it would be feasible to alter the conditions of approval so that two different permit expiration time periods could be crafted for different portions of the same project. One for the portions in the EFU and CFU zones and the other within the exception zones. The permits that would

be affected would include the Significant Environmental Concern Permits (RR, EFU, CFU), Geologic Hazard Permits (RR, EFU, CFU), the portion of the Distribution Main in the CFU zone, and the portion of the Raw Water Pipeline in the EFU zone.

The conditions of approval #1 through #3 are the County's standard code language clarified for each major category of use (Water Filtration Facility, Communication Tower and Pipelines) and their related/associated Type II permits. Expiration is dependent on when the actual construction of the building and structures commence with a two-year window to start. Completion only requires exterior surfaces to be finished and compliance with the conditions of approval. The Portland Water Bureau may request yearly extensions for T3-2022-16220 under MCC 39.1195.

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<sup>i</sup> <https://www.portland.gov/water/bullruntreatment/filtration/construction/bull-run-filtration-construction-activity>