

March 24, 2025

VIA EMAIL ([lisa.m.estrin@multco.us](mailto:lisa.m.estrin@multco.us) and [LUP-comments@multco.us](mailto:LUP-comments@multco.us))

Multnomah County Hearings Officer  
c/o Lisa Estrin, Senior Planner  
Multnomah County Land Use and Planning Division.  
1620 SE 190th Avenue.  
Portland, Oregon 97233-5910

Re: Portland Water Bureau Remand Proceedings File No. T3-2022-16220

Multnomah County Hearings Officer:

On behalf of my client Cottrell Neighborhood Association, I am writing to raise a number of procedural concerns relating to the above-referenced matter. The high level of public interest in this matter, coupled with the lack of adopted local procedures governing remand, demands that the County act now to ensure a full and fair opportunity for participation.

First, the County must resist PWB's demand for an advanced decision reapproving the non-conditional use permit components of the application. What was proposed, and what is before the County on remand, is a singular proposal to develop a water filtration plant, including the pipelines and towers necessary for the facility to function. MCC 39.115(F) allows for consolidated review of multiple permits for a development project at an applicant's request. PWB exercised that option, joining all of its requests into a singular proposal for review. No authority allows an applicant to subsequently bifurcate project components while a development proposal is pending review.

All of the design review and environmental permits that PWB wants immediately approved are massive-scale component parts that serve no useful purpose without the filtration facility. PWB has been burned once in its decision to proceed with construction in the face of LUBA review. Notwithstanding PWB claims that it is "winding down" during remand, construction has continued in clear violation of the County standards with the County turning a blind eye. PWB should not be given another unilateral right to proceed at its own risk on accessory components,

Exhibit N.2

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with a condition that the facility also be approved, when it is so clear that PWB will proceed with constructing a pipe to nowhere.

Second, the County's obligation on remand is to interpret MCC 39.7515(B), taking a more expansive view of natural resources, and to determine if PWB has shown no adverse effect on those resources. To date, PWB has made no such showing. Moving forward with a hearing on April 16, less than 30 days from today, without any PWB proffered evidence of compliance prejudices the parties, depriving them of an adequate time to review and prepare a meaningful response. During the initial review, PWB waited until after the public hearing, to offer any comprehensive explanation for how it believed the criteria were met. This backwards approach made the public hearing effectively meaningless. The only way to avoid repeating this result would be for the hearings officer to issue an order setting forth the review procedures including establishing a deadline, well in advance of the hearing, for PWB to submit materials in response to the remand. To do otherwise will deprive my client and the public of their due process right to a full and fair hearing with adequate time to respond.

Please place this letter in the record for this proceeding and thank you for your expedited consideration of this request.

Very truly yours,



Carrie A. Richter

CAR:kms  
cc: Client  
Katherine Thomas



Lisa Estrin &lt;lisa.m.estrin@multco.us&gt;

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**Portland Water Bureau Remand Proceedings File No. T3-2022-16220**

1 message

**Kim Spiehler** <kspiehler@batemanseidel.com>

Mon, Mar 24, 2025 at 12:02 PM

To: "LISA.M.ESTRIN@MULTCO.US" &lt;LISA.M.ESTRIN@multco.us&gt;, "LUP-comments@multco.us" &lt;LUP-comments@multco.us&gt;

Cc: "katherine.thomas@multco.us" &lt;katherine.thomas@multco.us&gt;, Carrie Richter &lt;crichter@batemanseidel.com&gt;

**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Good morning,

Please find correspondence attached regarding File No. T3-2022-16220. Would you kindly confirm receipt?

Kind regards,

Kim

**Kim Spiehler**, LEGAL ASSISTANT**Bateman◇Seidel**

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**Ltr to HO re remand procedures 3-24.pdf**

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