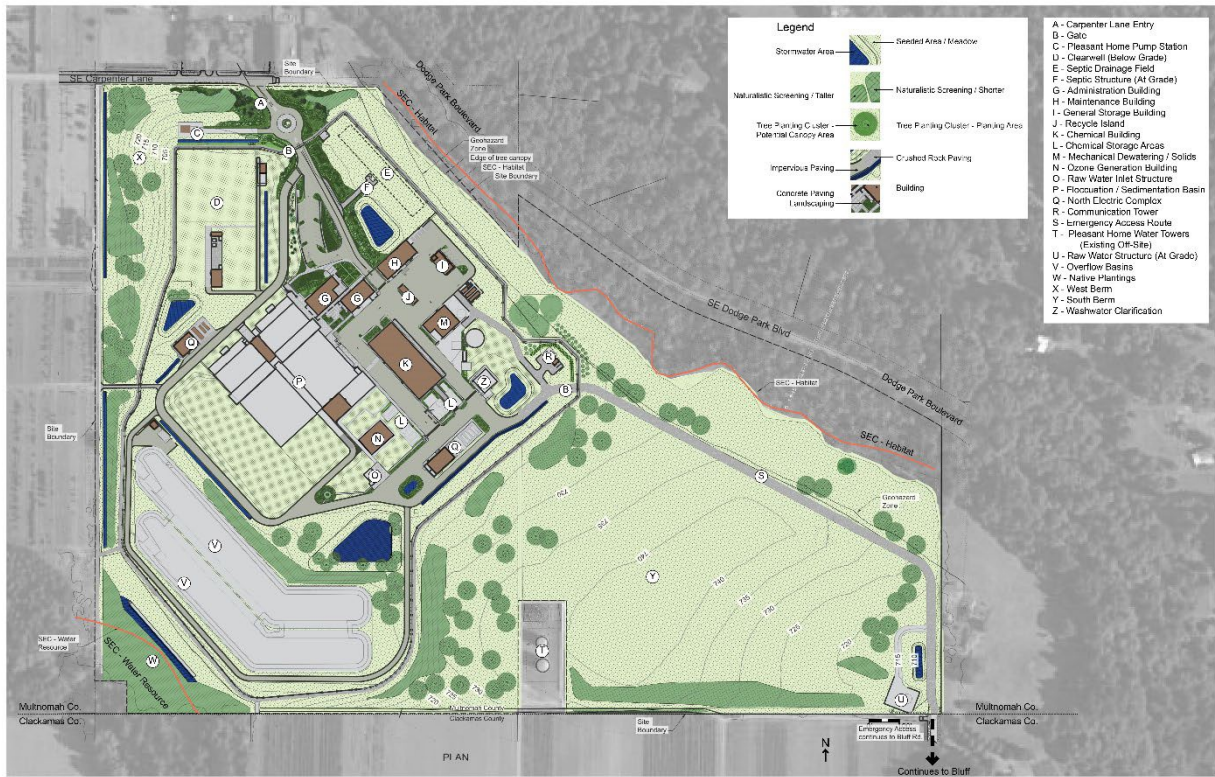


Land Use Applications

Section 1: Filtration Facility Site Overview

Applicant Owner:	Bonita Oswald, CAPM City of Portland Portland Water Bureau 1120 SW 5th Avenue, Room 405, Portland, OR 97204
Representative:	Winterbrook Planning 610 SW Alder Street, Suite 810 Portland, Oregon 97205
Contact:	Tim Brooks, ASLA or Jesse Winterowd, AICP, PMP, Winterbrook Planning
Location:	The site is served by Carpenter Lane and located south and west of Dodge Park Boulevard
Site Address:	Unassigned SE Carpenter Lane
Map & Tax Lot Numbers:	1S-4E-22D Tax Lots 100 and 400
Property ID:	R342619 and R342603
Base Zone:	Multiple Use Agriculture (MUA-20)
Plan Area:	West of Sandy River Rural Planning Area
Proposal:	The Water Bureau proposes to construct a filtration facility and related communications tower on the subject 94-acre site.
Land Use Review and Procedures for Filtration Facility Site:	<ul style="list-style-type: none"> • Type III CU review for the filtration facility • Type III Communications tower review • Type II Design Reviews for both the filtration facility and the telecommunications tower • Type II Lot of record verification for the filtration facility site • Type II Review use for tours
Pre-Application Conference:	April 28, 2022



Filtration Facility Site Plan

Bull Run Filtration Projects

Land Use Applications

Applications Narrative Guide	INTRODUCTION	
	SECTION 1: FILTRATION FACILITY SITE OVERVIEW	
	Section 1.A	Filtration Facility – Conditional Use Application Narrative
	Section 1.B	Filtration Facility – Design Review Application Narrative
	Section 1.C	Communications Tower – Conditional Use & Design Review Application Narrative
	SECTION 2: PIPELINES OVERVIEW	
	Section 2.A	Pipelines – Conditional Use Application Narrative
	Section 2.B	Pipelines – Design Review Application Narrative
	Section 2.C	Pipelines – EFU Review Application Narrative
	Section 2.D	Pipelines – SEC Review Application Narrative

Section 1: Filtration Facility Site Overview

Contents

Section 1 Organization and Land Use Reviews	1
Filtration Facility Land Use Reviews.....	1
Existing Filtration Facility Site Conditions	1
Proposed Filtration Facility Operational Characteristics	2
Filtration Facility Site Access.....	3
Overlay Zones Not Impacted	4
Core Analysis Areas for Evaluating Filtration Facility Impacts	5
Lot of Record Review – Filtration Facility Site	10
MCC 39.3005 Lot of Record—Generally	11
MCC 39.3080 Lot of Record—Multiple Use Agriculture-20 (MUA-20).....	12
MUA-20 Base Zone Standards	14
MCC 39.4305 Uses	14
MCC 39.4320 Conditional Uses.....	14
MCC 39.4315 Review Uses.....	14
MCC 39.4325 Dimensional Requirements and Development Standards	16
MCC 39.4335 Lot Sizes for Conditional Uses	21
MCC 39.4340 Off-Street Parking and Loading	21
MCC 39.4345 Access	21

Figures

Figure 1. Aerial View of Filtration Facility Site and Immediate Vicinity.....	2
Figure 2. Water Filtration Facility Layout looking South.....	3
Figure 3. View of Planned Filtration Facility Entrance from Carpenter Lane.....	4
Figure 4. Farm and Forest Core Analysis Area	6
Figure 5. Rural Development Core Analysis Area	7
Figure 6. Transportation Core Analysis Area	9
Figure 7. Filtration Facility Site Tax Lots.....	10
Figure 8. Filtration Facility Yard Diagram.....	17

Tables

Table 1. Filtration Facility Yards	17
Table 2. Building and Processing Structure Heights	18

Section 1 Organization and Land Use Reviews

As described in the **Introduction**, the project spans Multnomah and Clackamas counties. The project includes the filtration facility and communications tower on the filtration facility site, the intertie, and about four miles (21,700 lf) of pipeline corridor and appurtenances in Multnomah County. Defined terms used in this Section 1 Overview are provided in the overall application **Introduction**.

Filtration Facility Land Use Reviews

This Section 1 Overview addresses MUA-20 base zone use and procedural requirements and includes narratives to support approval of two filtration facility land use applications:

- Type II Lot of record verification for the filtration facility site; and
- Type II review use for accessory tours.

Section 1 also includes background information and narratives addressing the approval criteria for the following land use permits:

- **Section 1.A:** CUP for the filtration facility—a community service use (CS use) in the MUA-20 zone;
- **Section 1.B:** DR for the filtration facility in the MUA-20 zone; and
- **Section 1.C:** CUP review and DR for the communications tower in the MUA-20 zone.

As explained in the **Introduction**, **Section 2** of the consolidated Multnomah County land use applications focuses on the land use permits necessary for pipelines and appurtenances and the intertie.

The discussion below includes the filtration facility site description, a summary of filtration facility operational characteristics, and a description of how access is provided to the filtration facility site. **Section 1.A** provides more detailed site descriptions of filtration facility site, operational characteristics, and access.

Existing Filtration Facility Site Conditions

As shown on Figure 1, the filtration facility site is located west of the Sandy River bluff in Multnomah County and abuts the Clackamas County line to the south. The City of Portland purchased the 94-acre site in 1975 for water system purposes. The site is strategically located to connect with the existing water system that allows for continued gravity flow of water from the Bull Run Watershed intake to Portland and its regional customers.

With the exception of the forested, steeply-sloped area at its northeast edge, the site has been leased to Surface Nursery and used for growing nursery stock. Generally, the existing site topography slopes gently down to the west with a portion of the southeast corner sloping down to the east. Routine vehicular access to the site is limited to Carpenter Lane, which also serves R&H Nursery and several homesites. Emergency and limited maintenance access is planned from Bluff Road using an existing farm access road through EFU land in Clackamas County to the south.

Two PHWD water storage tanks are located on a separate site that abuts the filtration facility site boundary on three sides. The PHWD site forms an enclave in the southern portion of the filtration facility

Bull Run Filtration Projects Land Use Applications

site just north of the Clackamas County Line. Multnomah County approved a CUP for the second storage tank in 2015. The Water Bureau provides treated water to the PHWD.¹ This project includes a PHWD pump station near Carpenter Lane and pipelines connecting the pump station to the off-site PHWD storage tanks.

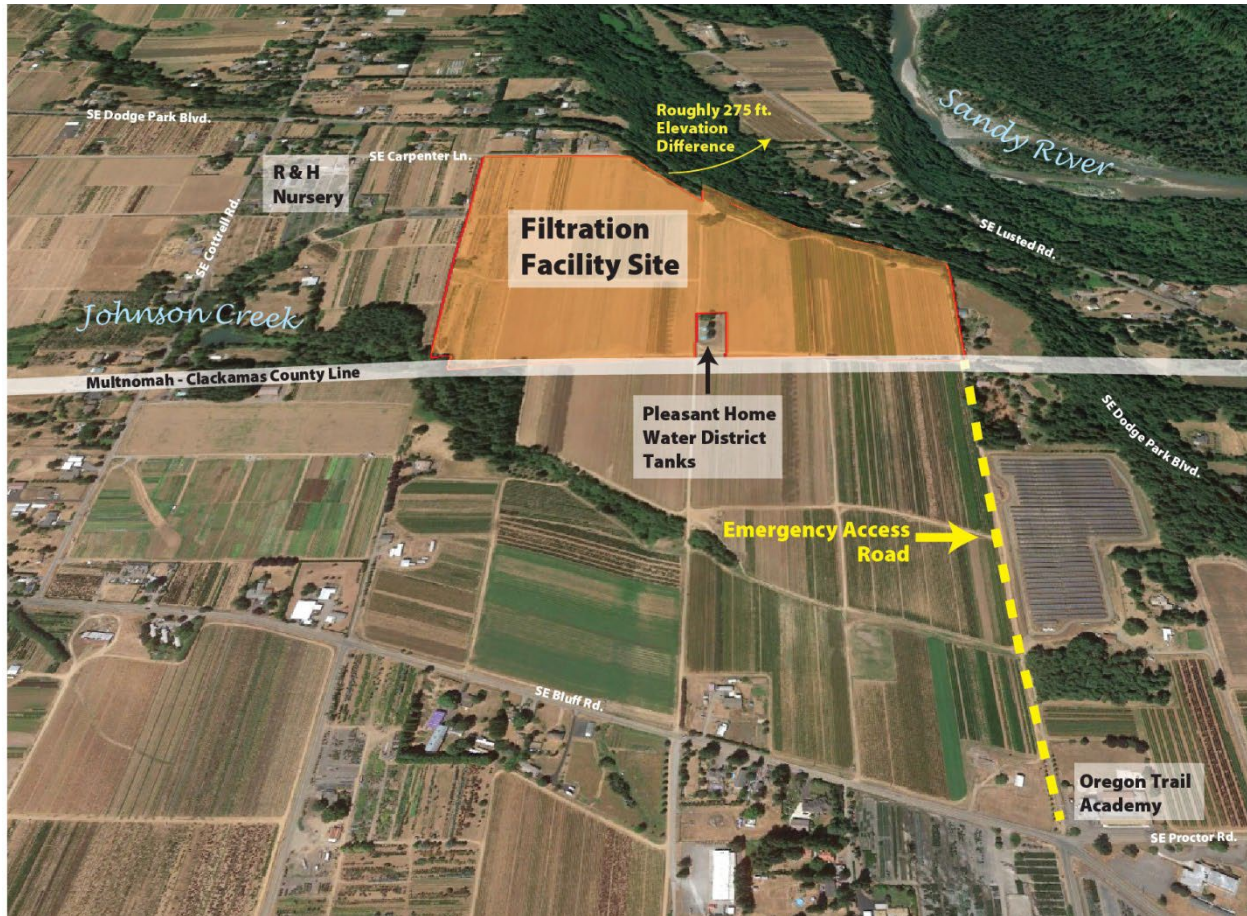


Figure 1. Aerial View of Filtration Facility Site and Immediate Vicinity

Proposed Filtration Facility Operational Characteristics

The Water Bureau proposes to build a quiet, odorless, safe, and relatively unobtrusive facility designed to filter 135 mgd of drinking water to meet regional domestic water needs. The filtration facility will have 26 full-time employees, with 10 on the largest (morning) shift. As is customary at water treatment facilities throughout Oregon and other states, occasional public tours are proposed as an accessory use.

Figure 2 provides a bird's eye view of the proposed filtration facility layout looking south. The filtration facility will include an administrative office building, storage buildings for chemicals and equipment, and utilitarian water filtration structures. **Section 1.A** includes more detailed site plans and building descriptions.

¹ Although the Water Bureau provides water to PHWD, these storage tanks are not owned or operated by the Water Bureau, are not located on the project site, and are not part of the filtration facility.

Bull Run Filtration Projects Land Use Applications

Most buildings are single story. All buildings will meet the 35-foot MUA-20 height limit. The overflow basin, clear well, and parking and circulation areas will be constructed at or below grade adjacent to above-ground structures. A communications tower is proposed to the northeast of the facility, and it will be screened from Carpenter Lane views by an existing tree grove.

A perimeter security fence is considered critical infrastructure and will be installed around the filtration facility. This fencing will be set back from the property line and screened with landscaping. An internal security fence will separate the public realm (including the driveway, parking area, and administration building) from the main process area. The east side of the site—outside the secured area—will be reserved for future use.

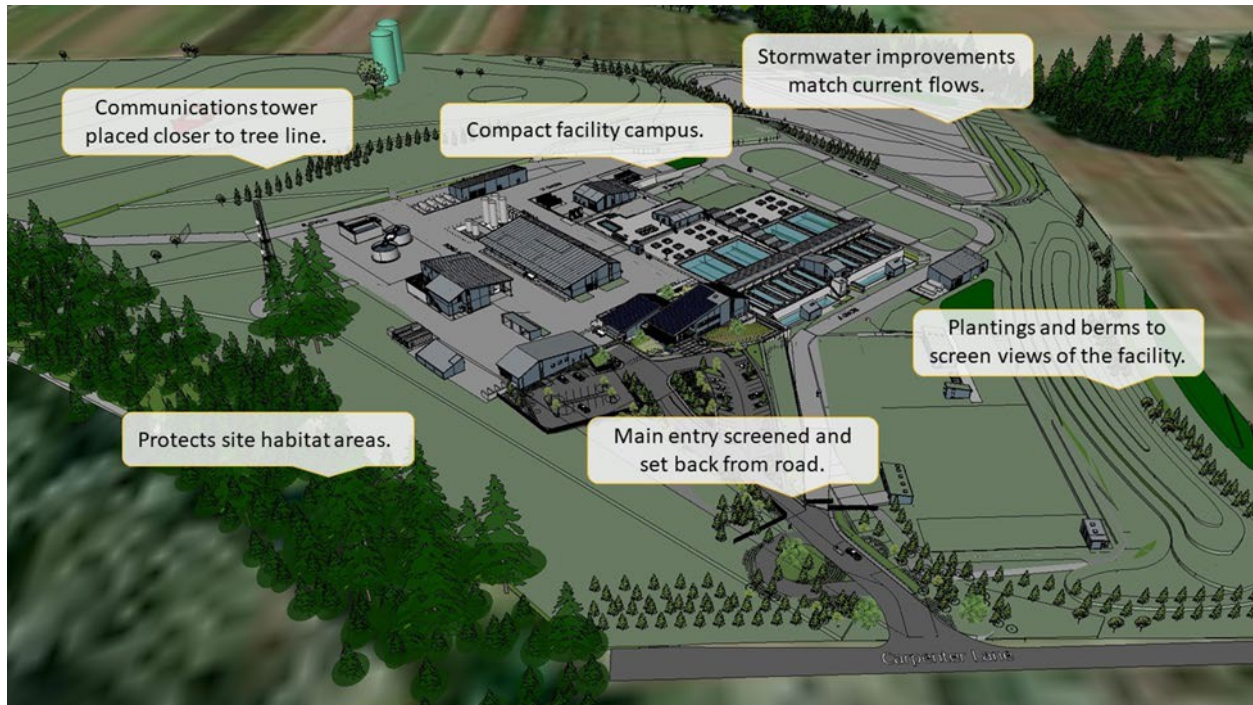


Figure 2. Water Filtration Facility Layout looking South

Filtration Facility Site Access

Carpenter Lane provides vehicle access to the site from Multnomah County and connects the site to Cottrell Road.² Carpenter Lane is classified as a “local street” with a posted speed limit of 25 mph. It has a ROW width of 30 to 60 feet and a travel width of approximately 16 to 20 feet. In addition to the filtration facility, Carpenter Lane east of Cottrell Road also serves several residences and R&H Nursery.

The Water Bureau will improve Carpenter Lane to accommodate existing and planned traffic as required by Multnomah County Department of Transportation Planning and Development. To meet emergency access requirements, the Water Bureau will acquire an access easement over an existing private road from Bluff Road in Clackamas County to the southeastern portion of the filtration facility site.

² Note that Carpenter Lane provides primary access to the filtration facility. Carpenter Lane terminates near the large Lusted Road ROW to the east. Google Maps incorrectly shows Carpenter Lane continuing through the site to connect with Bluff Road in Clackamas County.

Bull Run Filtration Projects Land Use Applications

Figure 3 is a computer-generated image showing the planned entrance to the filtration facility from Carpenter Lane. Filtration facility buildings and parking areas will be screened by evergreen trees and berms. The off-site PHWD storage tanks remain visible in the central portion of this figure.

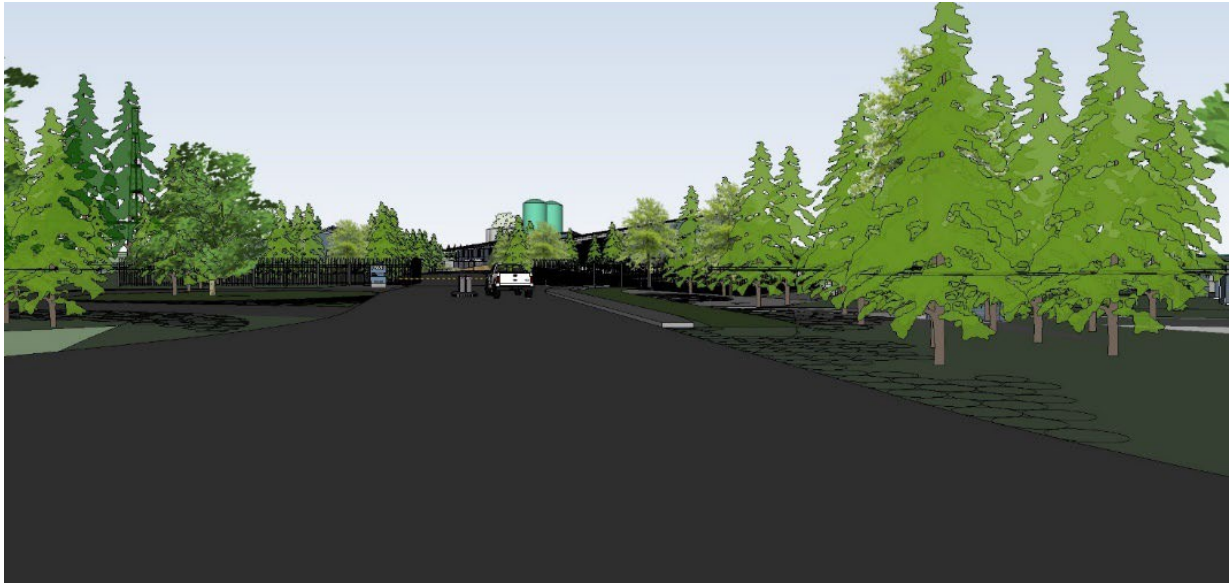


Figure 3. View of Planned Filtration Facility Entrance from Carpenter Lane

Overlay Zones Not Impacted

Multnomah County SEC-h and SEC-wr overlay zones apply to the northeast and southwest areas of the filtration facility site, respectively. SEC review is not required for the filtration facility site because no development or use is proposed within the SEC-h or SEC-wr overlay zone areas.

Similarly, the Geologic Hazard overlay zone applies to the northeast area of the filtration facility site. Geologic Hazard review is not required for the filtration facility because no development, use, or ground disturbing activity is proposed within the Geologic Hazard overlay zone area of the filtration facility site.

Core Analysis Areas for Evaluating Filtration Facility Impacts

The **Introduction** describes the project's consolidated study area, which includes land zoned for farm, forest, and rural residential land uses. The study area is designed to be large enough to account for all potential impacts resulting from the project, which includes the filtration facility, communications tower, the intertie, about four miles (21,700 lf) of pipeline corridor, and the emergency access road in Clackamas County.

Section 1.A describes impact-specific core analysis areas for the filtration facility. The Water Bureau has identified three types of impacts or types of impacted users that could result from filtration facility operations:

- **Farm and Forest Core Analysis Area:** Operational impacts from the filtration facility on farm and forest practices.
- **Rural Development Core Analysis Area:** Visual, noise, air quality, light, olfactory, and other impacts from the filtration facility on existing rural development in the study area.
- **Transportation Core Analysis Area:** Potential impacts from the filtration facility on transportation systems in the study area.

Note that the land use characteristics within core analysis areas are typical of those found in the larger consolidated study area. For example, nurseries are the predominant land use in each of the core analysis areas, followed by other types of farming, rural residential homesites, non-commercial forest operations, and public facilities. Because of these similarities, as well as others described in this application package, such as in topography, climate, soils, and other characteristics, the core analysis areas and the consolidated study area are essentially identical in terms of the potential for susceptibility to impacts from the filtration facility or pipelines, such as potential based on the mixture of farm types and sizes and scope of activities. Because of these shared characteristics and similarities, and because potential impacts (both related to externalities and sensitivities of the proposed use) are more likely to occur on lands close to the filtration facility than on more distant lands, the detailed analysis and conclusions of no impact for the more focused core analysis areas also apply to areas of the study area further away from the filtration facility.

Bull Run Filtration Projects Land Use Applications

1. Farm and Forest Core Analysis Area

Appendix D includes studies that evaluate potential impacts from the project on farm and forest operations. Figure 4 shows the farm and forest core analysis area for the filtration facility.

To ensure consideration of all potential impacts from the filtration facility on farm and forest practices, **Section 1.A** and Appendix D provide detailed descriptions of farm and forest practices within the farm and forest core analysis area. The studies provided in Appendix D conclude that the filtration facility as designed will have no significant impacts on farm and forest practices in the core analysis area or the study area.

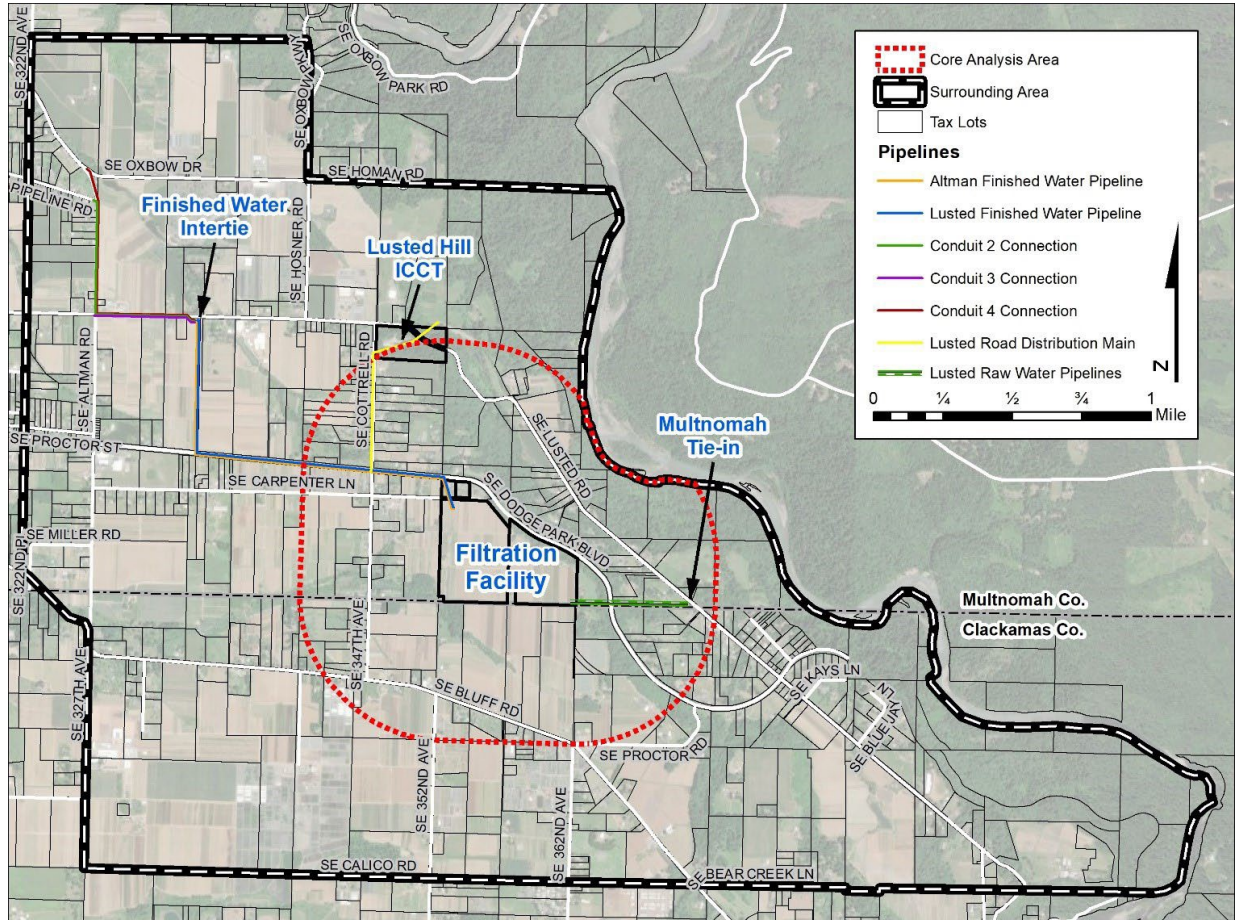


Figure 4. Farm and Forest Core Analysis Area

Bull Run Filtration Projects Land Use Applications

2. Rural Development Core Analysis Area

Appendix E includes a series of expert studies that evaluate potential impacts from the filtration facility on existing rural (primarily residential and school) development that may be sensitive to a variety of potential impacts from the filtration facility, including visual, noise, air quality, light, olfactory, and hazardous materials.

To ensure that all potential impacts from the filtration facility on rural development are considered and mitigated, the Water Bureau considered the reasonable worst-case development scenario that could potentially result from either the establishment of (a) a large-scale nursery operations center (which is a permitted or review use on the filtration facility site), with examples in the study area; or the establishment of (b) a hypothetical filtration facility with a utilitarian design that did not mitigate potential visual, noise, air quality, light, olfactory, and hazardous materials impacts.

To determine the rural development core analysis area, the Water Bureau considered topographic and vegetative conditions, the location of sensitive uses (residences and schools), and roads within potential sight, sound, or smell of the filtration facility site. Figure 5 shows the rural development uses in the surrounding area that potentially could be adversely affected under the reasonable worst-case development scenario.

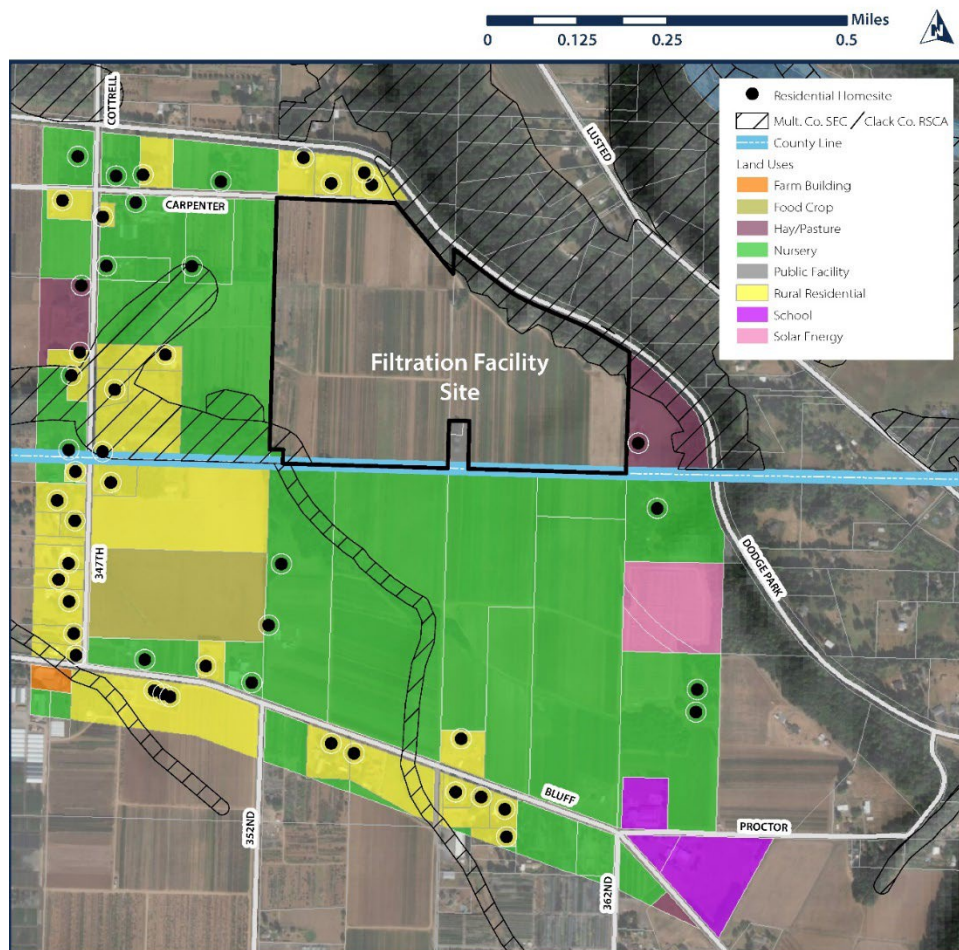


Figure 5. Rural Development Core Analysis Area

Bull Run Filtration Projects Land Use Applications

The boundaries for the rural development core analysis area shown in Figure 5 are described as follows:

- **Northeast:** Dodge Park Boulevard defines the north and northeast boundaries of the core analysis area because the road is located along a ridgeline. Land to the north and northeast of Dodge Park Boulevard substantially slopes away from the road and rural development beyond is buffered from the filtration facility site by the existing topography, tree cover, and structures. Thus, even a large-scale nursery operational center would be unlikely to adversely impact rural residences northeast of Dodge Park Boulevard.
- **Southeast:** The south and southeast boundary includes rural residences and a school separated from the filtration facility site by flat or moderately-sloped farmland. Although the school and several residences are more than a half-mile from the site, people associated with these land uses can see the existing PHWD tanks and can hear existing farming operations, and thus could be impacted under the reasonable worst-case development scenario.
- **Southwest:** The southwest boundary includes residences and nursery operations served by Bluff and Cottrell Roads. Appendix D.1 and the farm and forest core analysis area consider potential impacts on nursery practices. Although existing trees and vegetation block views of the filtration facility site from this corner of the core analysis area, it is possible that noise or smells from the reasonable worst-case development scenario could be detectable by residential uses.
- **Northwest:** The west and northwest boundaries include rural residences served by Carpenter Lane and Cottrell Road, and R&H Nursery. The expert studies found in Appendix D related to farm and forest core analysis area consider potential impacts from the filtration facility on accepted farm and forest practices (including nurseries). Although existing trees block views from most residences served by these roads, residences in this area could experience visual, noise, light or other impacts under the reasonable worst-case development scenario.

Section 1.A describes existing residential, public facility, farm, and forest uses within the rural development core analysis area. Section 1.A also describes how the filtration facility design effectively mitigates potential impacts to ensure that the proposed filtration facility will have no significant impacts on rural development in the study area.

3. Transportation Core Analysis Area



Figure 6. Transportation Core Analysis Area

The project study area is based primarily on roads and intersections analyzed in the TIA, resulting in the transportation core analysis area shown on Figure 6. This core analysis area is the same as the project study area. The TIA found in Appendix C.1 demonstrates that traffic generated from the filtration facility will not have significant impacts on road or intersection operations that serve land uses in the project study area.

Lot of Record Review – Filtration Facility Site

Multnomah County Code (MCC) requires all land use actions on private property to occur on a legal lot of record pursuant to the general provisions of MCC 39.3005 and applicable requirements specific to each zone in sections 39.3010 through 39.3160. A lot of record is a parcel that met all applicable zoning and land division regulations at the time the parcel was created. (MCC 39.3005.)

Appendix K provides deeds, title reports, historic imagery and other background information supporting the lot of record analysis for each lot of the filtration facility site. As shown on Figure 7, the filtration facility site consists of two lots south of Carpenter Lane, commonly known as tax lots 1S4E22D 100 and 400.



Figure 7. Filtration Facility Site Tax Lots

Bull Run Filtration Projects Land Use Applications

Compliance with the applicable lot of record standards generally, and in the MUA-20 zone specifically, is documented below. Code text is shown in *italic font*, followed by the applicant’s response explaining how applicable standards and criteria are met.

MCC 39.3005 Lot of Record—Generally

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

Response: Each of the lots at the filtration facility site meet the standards of Subsection (B) and the standards for the MUA-20 zone, as described below. Therefore, each of the lots at the filtration facility site is a Lot of Record.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or*
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or*
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or*
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and*
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)*

Response: The filtration facility site lots were each first created in their current configuration in 1975 when conveyed to the City of Portland. Tax lot 400 was created on **November 26, 1975**, by a deed recorded at book 1078, page 1033 in the Multnomah County deed records. Tax lot 100 was created on **December 24, 1975**, by a deed recorded at book 1079, page 796 in the Multnomah County deed records. Each deed is provided in Appendix K.3. The major dates for determining the “applicable zoning laws” under subsection (B)(a) are indicated by MCC 39.3080(A), provided below. On each of those relevant 1975 creation dates, the lots were zoned F-2.

Bull Run Filtration Projects Land Use Applications

For Tax Lot 400, the 1974-5-17 Zoning Ordinance 100 is the relevant document.³ The minimum lot size was two acres.⁴ No additional lot standards applied to the F-2 district.⁵ Because Tax Lot 400 is (and was) 56.87 acres, Tax Lot 400 “satisfied all applicable zoning laws” when created.

For Tax Lot 100, the “applicable zoning laws” under subsection (B)(a) are found in the same 1974-5-17 Zoning Ordinance 100, but as amended by 1975-12-9 Ord 115.⁶ Ord 115 amended the code to remove the general, two-acre minimum lot size and replaced it with a new section 3.1240 with “Dimensional Requirements” based on soil and use categories. Tax Lot 100 at the time was being used as farmland, as shown in historic imagery provided in Appendix K.4. Therefore, the highest possible minimum lot size requirement was 20 acres, for agricultural lands. Because Tax Lot 100 is 36.62 acres, this standard is met. Section 3.1242 also required a minimum front lot line of 50 feet and a series of minimum yard dimensions. Because no structure was on Tax Lot 100 on the date of creation, as shown by the historic imagery provided in Appendix K.4, the minimum yard dimensions are met. Additionally, Tax Lot 100 has approximately 1,500 feet of frontage along Dodge Park Boulevard, and therefore exceeds the 50-foot minimum lot line standard. There are no other applicable provisions. Therefore, Tax Lot 100 “satisfied all applicable zoning laws” when created.

As noted above, the city of Portland purchased both of the filtration facility site lots in 1975. Those deeds remain the current vesting deeds for each of these lots, as demonstrated in the filtration facility site title report in Appendix K.2. The configuration of these lots has not changed since the city purchased them, evidencing that these lots were created by a deed “recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978” under subsection (B)(b)(2). Therefore, these lots “satisfied all applicable land division laws” as required by subsection (B)(b).

The standard in Subsection (B) is met.

MCC 39.3080 Lot of Record—Multiple Use Agriculture-20 (MUA-20)

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

1. July 10, 1958, SR zone applied;
2. July 10, 1958, F-2 zone applied;
3. December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
4. October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;
5. October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
6. May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

³ Available at: http://www4.multco.us/lup_historical_maps/historicalMaps.asp?select=1974-5-17+Zoning+Ordinance+100+as+amended&Submit=Submit

⁴ http://www4.multco.us/lup_historical_maps/1974-5-17%20Zoning%20Ordinance%20100%20as%20amended/02%20Districts%20ZO%201974-5-17.PDF.

⁵ http://www4.multco.us/lup_historical_maps/1974-5-17%20Zoning%20Ordinance%20100%20as%20amended/03%20Residential%20ZO%201974-5-17.PDF

⁶ Available at: http://www4.multco.us/lup_historical_maps/historicalMaps.asp?select=1975-12-9+Ord+115+-+which+amends+rural+parts+of+Zone+Ord+100&Submit=Submit

Bull Run Filtration Projects Land Use Applications

Response: This section provides information relevant to the evaluation of a lot of record but does not provide a separate standard to meet for approval.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Response: Tax Lot 400 has 57 acres and Tax Lot 100 has 37 acres—both of which exceed the 20-acre minimum lot size in the MUA-20 zone. Tax Lot 400 has approximately 800 feet of frontage along Carpenter Lane and approximately 730 feet of frontage along Dodge Park Boulevard. Tax Lot 100 has approximately 1,500 feet of frontage along Dodge Park Boulevard and shares Carpenter Lane access with Tax Lot 400. Both of these dimensions exceed the minimum 50-foot front lot line length in the MUA-20 zone and show that each lot abuts a public street in compliance with MCC 39.4345.

Because neither of the lots has less than the minimum lot size, front lot line, or incompliance with MCC 39.4345 this section does not apply.

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

Response: There has been no sale, conveyance, or reconfiguration of any portion of the subject lots since their creation when the city purchased them in 1975, as demonstrated by the title report for each parcel included in Appendix K.2. There are no structures currently on the lots and the lots meet all minimum lot, yard, area, and width requirements of the MUA-20 zoning district. Therefore, this standard is met.

(D) The following shall not be deemed to be a Lot of Record:

- 1. An area of land described as a tax lot solely for assessment and taxation purposes;*
- 2. An area of land created by the foreclosure of a security interest.*
- 3. An area of land created by court decree.*

Response: As documented above, the subject lots are recorded in Multnomah County deed records in their current configurations and are not solely tax lots for assessment and taxation purposes, nor were they created by foreclosure or court decree. Overall, each of the lots at the filtration facility site meet the standards of Subsection (B) and the standards for the MUA-20 zone. Therefore, each of the lots at the filtration facility site is a Lot of Record.

MUA-20 Base Zone Standards

This section demonstrates compliance with applicable MUA-20 base zone standards. Code text is shown in *italic font*, followed by the applicant’s response explaining how applicable standards and criteria are met.

MCC 39.4305 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4310 through 39.4320 when found to comply with MCC 39.4325 through 39.4345 provided such uses occur on a Lot of Record.

Response: As demonstrated above, the two lots on the filtration facility site are legal lots of record. This standard is met.

MCC 39.4320 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

- A. Community Service Uses listed in MCC 39.7520 pursuant to the provisions of MCC 39.7500 through MCC 39.7810;*

Response: The proposed filtration facility and related pipelines is a listed CS use in MCC 39.7520(A)(6): “Utility facilities ... public utility buildings or uses”. The Water Bureau is a public utility. Utility facilities are reviewed under the approval criteria of MCC 39.7515(A) through (H).

The proposed communications tower is also a CS use per MCC 39.7520(8), subject to the applicable approval criteria in MCC 39.7565(A) through (J).

Narratives demonstrating compliance with conditional use criteria for each set of approval criteria are found in **Section 1.A** for the filtration facility and **Section 1.C** for the communications tower.

MCC 39.4315 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

[...] (H) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the “accessory structures” standard in MCC 39.4310 Allowed Uses, but which meet the following provisions:

Response: As a “use [...] customarily accessory or incidental to” the primary utility facility use proposed for approval in this base zone, public tours of the filtration facility will be arranged for educational purposes. Public tours are customarily accessory or incidental to utility facilities across Oregon, particularly water filtration facilities, as demonstrated in Appendix E.1. Additionally, public tours are provided customarily as an accessory use of other Water Bureau facilities. Public tours are so much an integrated part of the Water Bureau’s use across the state that the Water Bureau maintains a passenger bus for educational tours of its water facilities (for example, the Bull Run Reservoir Intake Facility, and the Washington Park, Powell Butte, and Kelly Butte reservoirs).

Groups will meet in the administration building lobby meeting area before being guided by Water Bureau staff to observe the water filtration process. A bus loading area is provided near the front entrance to the administration building and a parallel bus parking space is proposed off the main access

Bull Run Filtration Projects Land Use Applications

driveway. Because no buildings or space within buildings or outdoor areas at the filtration facility will be reserved exclusively for this accessory use, there is no “Accessory Structure” under MCC 39.4310.

Therefore, public tours are a “use [...] customarily accessory or incidental to” the utility facility use proposed for approval, but are not within the scope of 39.4310, because that section only is for the review of “structures” whereas MCC 39.4315 addresses “uses” approvable based on the following provisions. This standard is met.

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

Response: Subsections (1)-(5) seek to prevent accessory structures which act as accessory dwellings or similar uses. The proposed tour use will not allow any dwelling or residential type use of the filtration facility site. There is no Accessory Structure. To the extent these standards apply at all, they are met.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

Response: There is no accessory structure, so there is nothing that exceeds the Allowed Use standards for Accessory Structures. To the extent that this standard applies, it is met.

(7) Compliance with MCC 39.8860 is required.

Response: MCC 39.8860 requires that “Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.” As noted above, no accessory structure is proposed, and therefore this standard is met. If the County prefers that the Water Bureau record a MCC 39.8860 covenant despite no accessory structure being proposed, that is also acceptable.

Overall, the proposed public tours use satisfies the applicable standards in MCC 39.4315(H) and therefore meets the requirements for being allowed as a review use.

MCC 39.4325 Dimensional Requirements and Development Standards

All development proposed in this base zone shall comply with the applicable provisions of this section.

- (A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Response: Both filtration facility lots of record exceed 20 acres: Tax Lot 400 has 57 acres and Tax Lot 100 has 37 acres. No new parcels or lots are proposed as part of the project; therefore, the standards in subsection (A)-(B) do not apply. Therefore, these standards are inapplicable or are met.

(C) *Minimum Yard Dimensions – Feet*

Front	Side	Street Side	Rear
30	10	30	30

Response: Because the filtration facility is a CS use, MCC 39.7525(A) modifies this standard and requires “side yards for one-story buildings [to] be 20 feet; for two-story buildings, 25 feet.”

Front, side, street side, and rear yard determinations are based on the definitions of lot lines found in MCC 39.2000.⁷

- The front yard width is based on the lot line facing Carpenter Lane, because the “narrowest frontage” is along Carpenter Lane, which at 870 is less than the Dodge Park Boulevard frontage (2,300 lf).
- The side yard width is based on the west property line, because it does not have street frontage and is not the rear lot line.
- The street side yard width is based on the lot line facing Dodge Park Boulevard, because the Dodge Park Boulevard frontage is greater than the Carpenter Lane frontage.
- The rear yard width is based on the south lot line, because it is "opposite" the front lot line with Carpenter Lane frontage.

As shown on the Site Plan (Appendix A.1a), Table 1 and Figure 8 below, the actual yards (setbacks from structures) far exceed these minimum requirements. Table 1 shows that the minimum yard requirements for each lot line are met. Table 1 also shows that minimum yard requirements are substantially exceeded in all cases.

⁷ MCC 39.2000 definitions of lot lines (in relevant part with bolding added):

“**Lot Line (Front)** – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; [...]. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards. **Lot Line (Rear)** – The line dividing one lot from another and on the opposite side of the lot from the front lot line; [...]. **Lot Line (Side)** – Any lot line not a front or rear lot line.

Bull Run Filtration Projects Land Use Applications

Table 1. Filtration Facility Yards

Yard	Minimum Yard Requirement	Structure Closest to Property Line	Distance from Property Line	Distance Above Minimum Standard
Front Yard (Carpenter Lane)	30 feet	PHWD Pump Station	130 feet	80 feet (with 15-foot street ROW dedication 65 feet)
Rear Yard (south property line)	30 feet	Electrical building (east)	465 feet	435 feet
Streetside Yard (east property line Dodge Park Boulevard)	30 feet	Pilot Structure	182 feet	152 feet
Side (west property line)	20 feet if one-story structure 25 feet if two-story structure	Electrical building (west)	167 feet	147 feet because a one-story structure

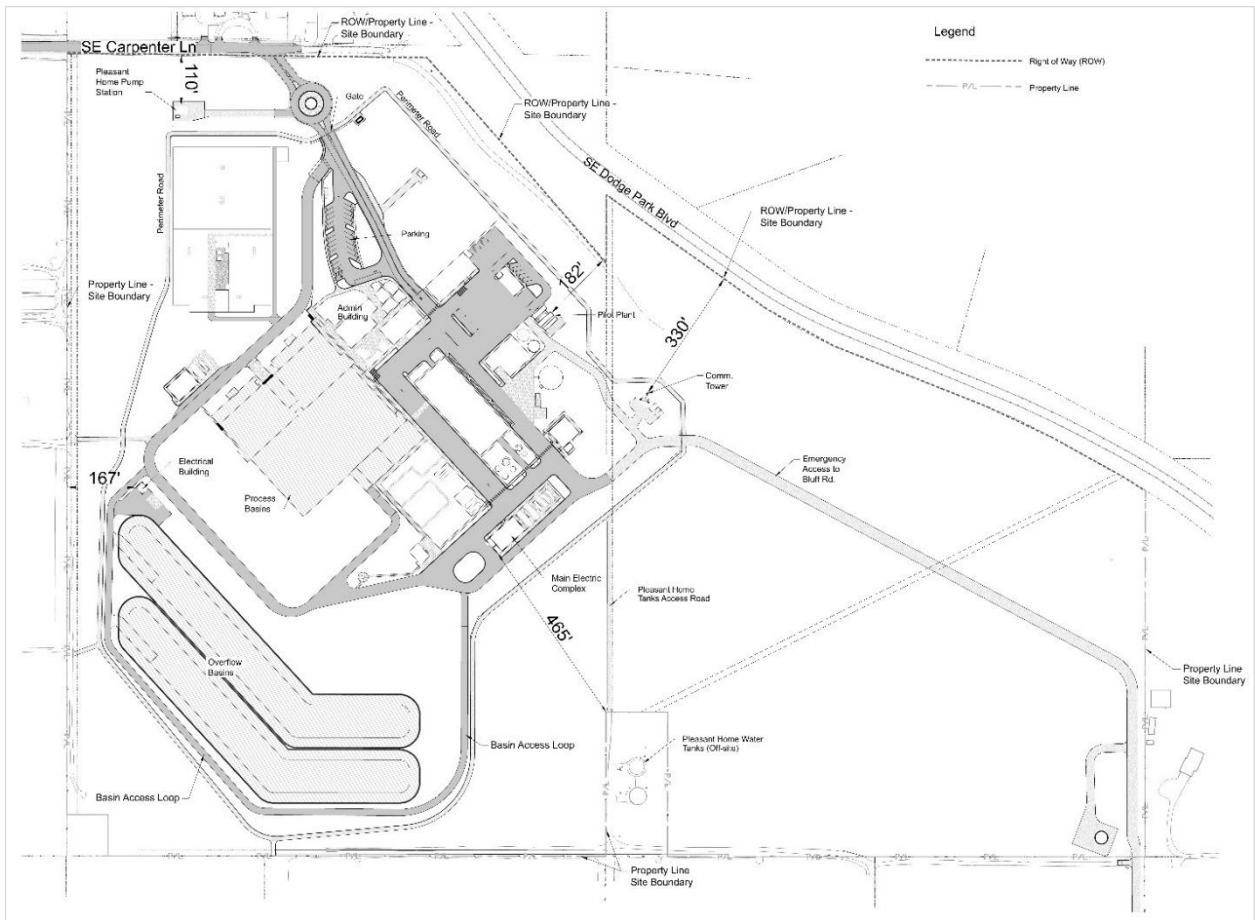


Figure 8. Filtration Facility Yard Diagram

Bull Run Filtration Projects Land Use Applications

Maximum Structure Height – 35 feet

Response: Table 2 lists the height of each proposed building or structure at the filtration facility and demonstrates compliance with the MUA-20 Zone’s 35-foot maximum height requirement.⁸ The project architect⁹ determined building heights shown in Table 2.

Table 2. Building and Processing Structure Heights

Facility Area Number	Name / Description	Stories Above Grade	Building Height
OFFICE FUNCTION BUILDINGS			
11	ADMINISTRATION - OFFICE	2	34'-6"
EQUIPMENT AND CHEMICAL STORAGE FUNCTION BUILDINGS			
11	ADMINISTRATION – LOCKERS	1	23'-7"
12	MAINTENANCE	1	30'-8"
12	STORAGE	1	18'-3"
12	RECYCLE	1	15'-10"
13	PILOT PLANT TRAILERS	1	12'-0"
15	MAIN ELECTRICAL COMPLEX	1	24'-5"
16	NORTH ELECTRICAL COMPLEX	1	24'-5"
31	OZONE CONTACT/FLASH MIX	1	18'-8"
35	FILTER BUILDING	1	31'-3"
40	FINISHED WATER STAIR	1	18'-8"
40	FINISHED WATER ELEC	1	18'-8"
45	FIRE PUMP PRE-FAB ENCLOSURE	1	17'-0"
46	PHWD PUMP STATION	1	17'-11"
65	MECHANICAL DEWATERING	2	31'-11"
70	CHEMICAL BUILDING	2	33'-3"
81	OZONE GENERATION BUILDING	1	27'-6"
93	OVERFLOW ELEC. BUILDING	1	18'-5"
UTILITARIAN PROCESS STRUCTURES			
15, 16	GENERATOR ENCL/FUEL TANKS	1	20'-0"
18	COMMUNICATIONS TOWER	N/A	175'
20	INLET STRUCTURE	1	10'
30 (31, 33, 35, 37)	FLOCCULATION & SEDIMENTATION, FILTRATION, WASHWATER EQUALIZATION	1	0' - 20' (embedded into earth formations)
40	FINISHED WATER STRUCTURE	0	N/A
51	WASHWATER CLARIFIERS	1	18'-0"
61	GRAVITY THICKENERS	1	17'-0"
70	CHEMICAL SILOS	N/A	50' ¹⁰

⁸ Height standards for the communications tower are reviewed as part of that conditional use application narrative, in **Section 1.C**.

⁹ As relevant, MCC 39.2000 provides: **Building Height** – (a) The vertical distance above a reference datum – measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building: 1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade. 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

¹⁰ The 50-foot tall soda ash silos may exceed the maximum building height per MCC 39.4325(E).

Bull Run Filtration Projects Land Use Applications

Appendix A.1b Architectural Drawings includes an annotated site plan (LU-GEN-A-O12) showing the location of buildings listed in Table 2. The remainder of Appendix A.1b is a set of drawings showing the elevations and floorplans for buildings listed in Table 2. All buildings and structures (except for the exempt silos) are 35 feet tall or less in height as required by the MUA-20 height standard. This standard is met.

Minimum Front Lot Line Length – 50 feet.

Response: As documented in the lot of record determination above, the filtration facility site has two lots, both of which have front lot line lengths of greater than 50 feet. Therefore, this standard is met.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

Response: As shown on the site plan (Appendix A.1a) filtration facility's perimeter fence is 6-feet high and located at least 60 feet from all lot lines, exceeding the 6-foot setback in subsection (B)(1). Therefore, this standard is met.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following [...]

Response: No accessory structures are proposed and therefore none will encroach into the required yard setbacks. This standard is inapplicable.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Response: The Water Bureau will dedicate additional Carpenter Lane ROW as required by the County. The existing ROW varies from 30 to 60 feet. Proposed ROW dedication and improvements are shown in Appendix A.1c. The required dedication will effectively increase the front yard setback by as much as 15 feet, assuming that the County requires the Water Bureau to dedicate its proportional share to achieve a uniform 60-foot ROW. Since the nearest building is 120 feet from the existing front lot line, the adjusted lot line would exceed the 30-foot minimum yard requirement. This standard is met.

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Response: Four 50-foot-tall soda ash silos are located outside the chemical building and are shown in Appendix A.1a (LU-302). The silos are set back approximately 240 feet from the nearest (Dodge Park Boulevard) property line. They will be 50 feet tall, as documented in Table 1. This standard is met.

(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if: [...]

Response: No agricultural structures are proposed. This standard is inapplicable.

Bull Run Filtration Projects Land Use Applications

(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

Response: The site plan (Appendix A.1.a, LU-302) shows the location of the proposed on-site septic drainfield and stormwater detention basins. The on-site sewage disposal system received a septic review certification from the Multnomah County Sanitarian (Appendix L.8). Storm water/drainage control is addressed in Appendix H.1 and both are provided on the filtration facility site. Water for the filtration facility will be provided by the Water Bureau as documented in Appendix L.9a. Required parking for the filtration facility is also provided on the site, as addressed in **Section 1.B**, and shown on the site plan in Appendix A.1a, LU-302.

Finally, all required yard areas for the filtration facility are provided on the site, as detailed above and as shown on Appendix A.1a, LU-302.

For the reasons stated above, this standard is met.

- a. Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.*

Response: The site has no existing development. This standard is inapplicable.

- b. Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.*

Response: Stormwater/drainage control systems are incorporated into the filtration facility layout, as shown on the Stormwater Plan in Appendix A.1a, LU-307 and described in the Stormwater Report in Appendix H.1. Stormwater facilities are designed for a 25-year 24-hour storm event, which exceeds the 10-year 24-hour standard in this code section. The facilities are designed to ensure that stormwater runoff leaving the site does not exceed pre-development rates during that 25-year 24-hour storm event.

This standard is met.

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

Response: No dwellings are proposed. This standard is inapplicable.

- (I) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.*

Response: The development site spans two lots of record and includes all necessary parking. Parking areas for the filtration facility are shown on the site plan in Appendix A.1a, LU-302. The parking plan meets applicable parking and landscaping standards, as documented in **Section 1.B** Design Review. This standard is met.

- (J) All exterior lighting shall comply with MCC 39.6850.*

Response: The dark sky lighting standards of MCC 39.6850 are met, as documented in Appendix E.2 and **Sections 1.A** and **1.B** of this narrative.

MCC 39.4335 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4320, except subsection (C)(1) thereof, shall be based upon:

- A. *The site size needs of the proposed use;*
- B. *The nature of the proposed use in relation to its impact on nearby properties;*
- C. *Consideration of the purposes of this base zone; and*
- D. *A finding that the lot or parcel is at least two acres in area and in the West of Sandy River Rural Plan Area, if a lot or parcel is created to support a conditional use, a finding that the remainder parcel is not less than five acres.*

Response: The site plan (Appendix A.1a, LU-302) shows that the 94-acre site is large enough to meet filtration facility site needs (about 50 acres) and to provide landscaped buffers from neighboring residential and farm uses (the remaining area), as discussed in **Sections 1.A and 1.B** of this narrative. The remaining area is approximately 44 acres, significantly larger than the 5-acre minimum.

The purpose of the MUA-20 zone¹¹ includes the accommodation of conditional uses—such as the proposed filtration facility. The **Introduction**, this Section 1, and **Sections 1.A and 1.B** of this narrative and supporting appendices demonstrate that the proposed filtration facility is consistent with the character of the area, is designed to be harmonious with nearby properties, and compatible with the natural resource base (agricultural, forest, and SEC lands) within the project study area and more focused core analysis areas.

MCC 39.4340 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

Response: Parking and loading standards are met as documented in the TIA in Appendix C and **Sections 1.A and 1.B** of this narrative.

MCC 39.4345 Access

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).

Response: The site has two contiguous lots of record that abut and are served by Carpenter Lane, a public street. Therefore, this standard is met. Additionally, the Water Bureau will dedicate additional ROW and will make improvements to Carpenter Lane as shown in Appendix A.1c. Access to Dodge Park Boulevard along the eastern property line is restricted by steep slopes and the SEC-h overlay.

¹¹ MCC 39.4300 provides: The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development **and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.** (Emphasis added.)