

Date: June 30, 2023

To: Hearings Officer, Mr. Alan Rapplelea

From: Brent Leathers, resident at 35050 SE Carpenter Lane, and as representative of a Neighborhood Group, "Citizens for Peaceful Rural Living"

RE: Multnomah County Case File T3-2022-16220 (Portland Water Bureau)  
Written Testimony, 3 Copies Hand-Delivered at the Hearing

To the Hearings Officer,

This is the written testimony of Brent Leathers, representing both myself and the citizens group, "Citizens for Peaceful Rural Living". I live at 35050 SE Carpenter Lane with my wife Linda, since May of 2010. Our home is one property away from the proposed Portland Water Bureau ("PWB") Bull Run Water Filtration Facility ("BRFF"). Many of these statements are meant to draw attention to characteristics of the proposal that are not "consistent with the character of the area" ("CwCA").

The following is a list of my objections and observations regarding the BRFF application. Some of these issues may have no basis in existing land use law; I am not an attorney that can distinguish the difference. However, I believe all of these issues are important considerations that should be considered, if the application of laws was completely fair and just.

Here are the issues I respectfully ask you to consider:

1. View of Mt. Hood: We enjoy a nice view of Mt. Hood to the east, through our large picture window, and from the deck on the backside of our house. The proposed industrial plant location will place it in direct line of site, between us and Mt. Hood. I'm sure that there will be lots of mitigative vegetation and other countermeasures to minimize the visual impact, but the dang plant will still be in our direct view. For us, it certainly is inconsistent with the current character of our beautiful view.
2. Traffic Impacts to Carpenter Lane: As I understand it, the truck count on the quiet lane in front of our house will exceed 300 trips per day, for a 3 to 5 year period. For an 8-hour day, that is essentially one truck every 45 seconds, as the same that leave will return. For a quiet lane that historically averages like 30 trips/day! There is occasionally one or two trucks to the neighboring nursery, and that is only for a handful of months each year. This impact is most certainly not CwCA.
  - a. Even post-construction, the traffic trips to the PWB industrial plant will more than double the current quantity of trips on Carpenter Lane (the PWB traffic study unfortunately would have included their own trips to and from the site, artificially inflating the "background" counts). If one "good neighbor" more than doubles the traffic count on the only access road, is that CwCA?

3. Injuries and Deaths that are Reasonably Calculable: Traffic engineers seem to have numbers available to predict most everything. In my experience, LOS at intersections receives the bulk of attention/scrutiny. I have heard that there are now statistics for traffic engineers to predict the increase in injuries and deaths for an increase of various types of traffic, but only for Urban freeways and major arterials. Because the construction traffic in particular will so dramatically affect travel on the rural roads, shouldn't the PWB be required to forecast how many injuries and deaths can be reasonably expected as a result of their construction activities? Don't the constituents that are burdened with this project have the right to know those numbers? Certainly, any parent who has a child harmed by PWB's construction would be vehemently protesting if they knew in advance it was their child that would be injured/killed.
  - a. In the last 2 months alone, there have been 3 major accidents at the intersection of Cottrell and Dodge Park Blvd. (these accidents are well documented, but won't be mentioned in the PWB traffic analyses, and perhaps not considered at all in this matter). All three necessitated ambulances and/or Life Flight, and two of the accidents had fatalities. This PWB proposal will put 400+ trips per day at that same intersection, over 300 likely to involve dump trucks with long tongues to pull a pup trailer.
4. Substantial Expansion of the PGE Substation: In March of 2018, before Carpenter Lane was announced as the chosen site for PWB's industrial plant, PGE received land used approval to **"...expand an electrical substation to accommodate upgraded electrical ground grid, transformers, and related equipment and allow for future expansion....."**. Us local residents watched as PGE massively reconstructed the substation; to the untrained eye, they tripled or quadrupled the capacity of the substation. This for an established rural area with 5-acre minimum residential size. The code clearly states that a public use facility cannot necessitate the expansion of existing utilities. Was this expansion timed to sidestep that criterion?
5. Elimination of CU Criteria "(i)" via "Housekeeping" Resolution: In March of 2019, again just before the PWB announced Carpenter Lane as the subject site, the Multnomah County BCC adopted Ordinance 1270, which was labeled a "housekeeping" measure related to **"...technical corrections and similar 'housekeeping' amendments to the Zoning Code to ensure, among other things, clarity and consistency in the code"**. For minor edits to the land use code, only a small newspaper ad was required for 'notice', as opposed to direct notices to the affected landowners, some of whom would've realized that one approved edit was not 'housekeeping'; it was a major land use decision without public input!

These 'housekeeping' issues were primarily verbiage edits, code reference corrections, and the like. But buried at the end of the 36-page document was the "clarification/revision" to Community Service Uses that exempted **"...utility facilities, including power substations or other public utility building or use....."** from the approval criterion: **"(I) The use is limited in type and scale to primarily service the needs of the rural area."** Please also note the following policy in the County's Comprehensive Plan that states: **"Strategy 3.16-1: Review the appropriateness of review uses and community service uses in the MUA-20 zone through a public process that involves community stakeholders prior to amending the Zoning Code."**

These types of legalistic issues may be beyond the scope of this Hearing. Where in our land used processes is the capability to achieve 'doing the right thing', regardless of who the applicant is?

6. Terrorist Threat: Currently, our rural farming and residential community has virtually nothing of interest to a terrorist. In the past, I've read headlines about terrorist activity at a few of the water retention basins throughout the PWB water system. In each of those cases, it was a relatively small part of the water system that would've impacted a limited number of users. In the PWB proposal, all of the Portland water supply will be concentrated at one location. In the event a terrorist wanted to disrupt Portland, they now simply have to destroy one facility. Perhaps the risk is small, but the impact to our community could be enormous (e.g., the BRFF is blown up and chemicals are airborne). Is creating a new terrorist target CwCA?
7. Chemical Release, Accidents: Currently the only concern of the neighborhood regarding chemicals is possibly the use of pesticides/herbicides by farmers. This has not been a concern in the past, and any spill or accident would be relatively minor given the quantities transported/used. PWB intends to transport a minimum of 35 tons per day into the BRFF (as referenced in PWB's consultant's memorandums from 2018). The list of possible chemicals that will be used has fluctuated over time (PWB changes the types and quantities), so we are uncertain of the hazard conditions imposed by an accidental release, or an accident on our roadways.
8. Importation of Portland Culture: Those of us that live in rural Multnomah or Clackamas County are here because this culture fits us. We deliberately do not live in the cities, and many of us would never live in the City of Portland, especially after the events of the past few years. Yet the City of Portland gets to impose the Portland culture directly into our neighborhoods. This proposal presents a reason for Portlanders to assume a sense of 'ownership' in our rural neighborhoods. There will be many that are curious just to see what it looks like, to explore the opportunity for 'adventures' of various types. Those 'opportunities' may include exploiting the residences in our neighborhoods. The 'lawless' culture that Portland has allowed to flourish likes to attack public buildings.
9. Appropriate Siting for the BRFF: This facility will serve primarily the City of Portland. Most of their client cities/water districts (Gresham, Rockwood, Tualatin Valley) have abandoned PWB after seeing the cost of water estimates flowing from the BRFF, and many of those cities/water districts bailed when the projected cost was still under \$500 million (we are now at nearly \$2 billion). The City Council that "authorized" the BRFF does not represent our neighborhoods, and we do not get to elect them (a variation of 'taxation without representation').

The historic hub for PWB has been at Powell Butte, within the Portland City limits. The location was carefully engineered almost 150 years ago, and is appropriately located within its constituency base. Powell Butte was chosen by the Bull Run Treatment Citizens Panel, but while establishing the site selection criteria, PWB's consultant HDR (in a September 11, 2018

“Technical Memo”), “.....concluded that larger Powell Butte land use reviews in the past have been appealed to LUBA by the neighborhood association and other public members....”. Later in the same memo, the consultant concluded about Carpenter Lane, “The site selected is not anticipated to pose unnecessary risk....to the schedule.....such as due to the land use process”, and, the “Carpenter Lane site is zoned MUA20 and is anticipated to follow a standard Conditional Use review process, making the land use approval more likely.”.

Is it ‘fair’ to presume that the spread-out rural residents will be unable to put up an effective resistance, and are less likely to appeal? Do we really use analyses such as these to determine the appropriate location for an industrial plant? Should not the Portland residents fight about the industrial plant that services them, instead of thrusting that battle onto the rural community well outside Portland?

10. Traffic after Construction: Post-construction, when the plant is operational, the daily flow of employees, deliveries, etc. is possibly 5 times the current traffic level (sorry I don’t know what PWB represents as true traffic counts). Whatever PWB’s number is, they are not considering the affiliated traffic that will come to see the site, just to say they were there. Or to explore our neighborhood. Does this increased traffic, and the fact that most of the traffic would then not be related to residences, CwCA?
11. A Bus Stop, and More Visitors?: PWB has trimmed the “Visitor’s Center” out of their original proposal, and now pledges to allow tours only by bus (which also may be out of the current proposal). However, once the BRFF is constructed, amendments to expand their uses will be far easier than in this initial proposal. There will be many visitors to the BRFF, throughout construction, and especially when operational. This is a state-of-the art facility that others will demand to see, and PWB will accommodate them, whether or not such visits are labeled “tours”.
  - a. Is it unreasonable to assume that in the future, a bus stop served by Metro will be placed in front of the BRFF? Many of the workforce may well live in Portland, and it may make perfect sense to the City Council (please don’t discount this; PWB certainly believes it is okay to manipulate the placement of a large industrial plant). As we’ve learned from the light rail and busing systems, public transportation systems are a conduit for crime.

Thank you for considering my input. Respectfully submitted,



Brent Leathers, 35050 SE Carpenter Lane

Citizens for Peaceful Rural Living



---

## Case File # T3-2022-16220, Brent Leathers Testimony

1 message

---

**Brent Leathers** <brent@leathersfuels.net>  
To: LUP-Comments@multco.us

Fri, Jun 30, 2023 at 7:15 AM



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

Please accept the attached as the written testimony from Brent Leathers, [35050 SE Carpenter Lane, Gresham](#)

I will also provide 3 printed and signed copies at the Hearing this morning.

Thank you!

Brent

**Brent Leathers, Advisor**

Leathers Enterprises, Inc.

503-661-1244, x106

*"Only when all I had was God, did I realize that,*

*All I needed was God."* -- unknown source



**Written Testimony, Leathers, File T3-2022-16220.pdf**

271K