

**MULTNOMAH COUNTY, OREGON
HEARINGS OFFICER DECISION**

This Decision consists of Conditions, Findings of Fact and Conclusions.

November 4, 1999

Regarding a request for a)	FINAL ORDER
Community Service use for a)	FINAL ORDER
water pollution control facility)	CS 1-99
)	(City of Troutdale)
)	

Case File: CS 1-99

Proposal: A request for approval of a Community Service (CS) use for a water pollution control facility for the City of Troutdale. The applicant proposes an activated sludge system designed to treat an average dry season flow of 3.0 mgd of wastewater from all Troutdale residents and businesses. The land use application process for the Community Service use in the Heavy Manufacturing (HM) zone is a Conditional Use (CU), and involves a public hearing before the Hearings Officer.

LOCATION: T2685 NE Graham Road.
Tax Lot 400 Section 24, T1N, R3E, W.M. ¹
R#94324-0270 and R#94324-0250.

¹ The staff report stated that the application involved Tax Lots 400 and 1700. Tax Lot 1700 is within the City of Troutdale and Multnomah County has no authority to make land use decisions within the City. Consequently the subject of this application is only Tax Lot 400 which the only part within Multnomah County's jurisdiction. ORS 215.130 provides that County land use ordinances may only apply within a city "if the governing body of such city adopts an ordinance declaring the area within its boundaries subject to the county's land use planning and regulatory ordinances, officers and procedures and the county governing body consents to the conferral of jurisdiction." There is no evidence that Troutdale has conferred planning authority to Multnomah County or that Multnomah County has accepted land use jurisdiction with the City of Troutdale.

APPLICANT: City of Troutdale
James Galloway
104 SE Kibling Avenue
Troutdale, OR 97060

PROPERTY OWNER: Reynolds Metal Co.
Glen Gates
5100 NE Sundial Rd.
Troutdale, OR 97060

ZONING: Heavy Manufacturing

SIZE: 11 acres of the 66.922 acre parcel

I. DECISION

Approval with Conditions of the proposed Community Service use, CS 1-99, for the application for a water pollution control facility to be located on approximately 11 acres of Tax Lot 400. The facility will also be located on Tax Lot 1700 containing .66 acres within the City of Troutdale.

II. CONDITIONS OF APPROVAL

1. A Grading and Erosion Control (GEC) permit will be required for any volume of soil or earth disturbed, stored, disposed of, excavated, moved, or used as fill greater than 50 cubic yards.
2. Approval of this Community Service shall expire two years from the date of issuance of the Board Order on the matter unless: "substantial construction" has taken place in accordance with MCC 11.15.7010 (C)(3); the subject proposal is completed as approved; or the Approval Authority establishes a specific expiration date.
3. Before issuance of building permits, the applicant shall obtain approval of the Design Review application required by MCC .7820, Design Review. The provisions of MCC .7805 through .7865 apply to all Conditional Uses and Community Service Uses in any zoning district. The Design Review (DR) application shall include the applicant's responses to the criteria of the Design Review (DR) and the Off-Street Parking and Loading (OP) provisions of the Multnomah County Code.

4. When ready to have land use or building permits signed-off, the applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, for an appointment to review and sign the plans. The applicant shall submit three (3) copies of the required plans. Multnomah County will keep one (1) copy and two (2) copies will be returned to the applicant for building plans review with the City of Troutdale.
5. The County shall accept no additional land use action and/or permit requests, relating to the subject application, until all required fees for the said application have been paid in full.
6. This approval is based on the submitted material. The proposed use of a water pollution control facility (activated sludge system) shall be done according to the design, size, and location shown and described in the application materials submitted by the applicant in case files CS 1-99 and PA 22-99. The County may require additional submittals and approvals of the applicant as noted in these Conditions of Approval.
7. The portion of Tax Lot 400 that is the subject to this conditional use permit shall not be deeded to Troutdale or any other party before the County has approved an appropriate land division application.
8. After a land division is approved, the subject site may be annexed to the City of Troutdale and become subject to City land use regulations.

III. SUMMARY OF THE REQUEST AND BACKGROUND

The proposed land use includes the relocation and construction of the City of Troutdale waste water treatment plant (WWTP). The proposed WWTP is an activated sludge system designed to treat an average dry season flow of 3.0 mgd of wastewater from all Troutdale residents and businesses. The City of Troutdale has designed the facility to satisfy Troutdale's buildout population of 19,150, which is expected to be reached by the year 2014.

IV. SITE AND VICINITY CHARACTERISTICS

The new facility will be approximately 2,800 feet north of Interstate 84 along the Sandy River (See Figure 1). The site is on Multnomah County Tax Lots 400 and 1700, T1N, R3E, Section 24. Reynolds Metals Company currently owns Tax Lot 400, outside the City limits within in unincorporated Multnomah County. Reynolds Metals Company also owns Tax Lot 1700 but it is within the City of Troutdale city limits.

The proposed facility will occupy approximately 12 acres of land, containing land for future expansion. The subject parcel will use all of Tax Lot 1700 (.66 acres) which is within the City of Troutdale city limits and approximately 11.34 acres of the southeastern portion of Tax Lot 400 which consists of a total of 69.92 acres (See Figure 2), within unincorporated Multnomah County. The site is currently undeveloped grazing land and consists of mostly flat to gently sloping terrain. The ground surface elevation ranges from 30 feet along the northwest side of the site to approximately 45 feet at the top of the flood control dike to the south and east of the site (See Figure 3). A flood control dike is found along the Sandy River and the new plant will

be inside the dike, with a 35-foot minimum setback between the toe of the dike and all structures.

The zoning of the subject parcel is Heavy Manufacturing which permits a WWTP as a Community Service Use when found by the approval authority to satisfy the applicable ordinance standards. The lot size for this use is more than adequate to fulfill all applicable requirements of the district. The proposed use fits into the current uses and zoning of surrounding properties (See Figure 4). To the west of the subject parcel extending to the City of Troutdale's west limit, the entire area is zoned City General Industrial with uses such as the Troutdale Airport, a material recovery facility, a metal products manufacturer, a compost facility and various other industrial users. To the north of the subject parcel is Reynolds Aluminum Plant in unincorporated Multnomah County, zoned Urban Heavy Manufacturing. To the east of the subject parcel is vacant land within Troutdale that extends to the Sandy River and is zoned General Industrial. To the south of the subject parcel, are lands within Troutdale zoned General Industrial for about 2,500 feet containing industries such as a construction company and various trucking industries.

The applicant has requested approval for a WWTP. The applicant proposes to use an activated sludge system and this is a common method of secondary treatment of water. Secondary treatment, or biological treatment, uses "natural decomposes and detritus feeders, that consume the organic matter and break it down through their cell respiration to carbon dioxide and water". Activated sludge is "a mixture of detritus-feeding organisms" added to the water as the water enters the aeration tank. They attach a diagram of the activated sludge treatment process as Exhibit #4. They attach a diagram of the summary of the wastewater treatment process as Exhibit #5. Both the quotations in this paragraph and diagrams #4 and #5 are from Environmental Science: The Way the World Works, Bernard Nebel, 1990.

Plant Operations: The plant will operate 24 hours a day, 365 days a year. There are currently six employees at the current facility from 8:00 to 4:30, Monday through Friday. On Saturday and Sunday, typically one employee works for a 2-hour period. The same staffing levels are expected at the proposed WWTP. Seven city-owned vehicles will be stored at the facility inside the on-site maintenance building.

Architecture: There will be five new buildings at the facility: head works/ primary influent pump station, blower building, UV light disinfection and effluent pump station, digester building, and administration building. Exterior treatment will use similar materials for all buildings. Exterior walls will be concrete masonry units, with varied textures and colors. The upper part of some exterior walls will be finished with an accent band of cementitious coating or an acrylic finish. Roofs will generally be pitched, hipped, style with a 4:12 slope, covered with built up bituminous roofing. The City will paint exposed structural metal and miscellaneous metal.

Structures: Construction of new facilities will consist of the head works complex, two primary clarifiers, two aeration basins, blower building, two secondary clarifiers, UV disinfection facility, gravity thickener, two digesters, biosolids storage basin and an administration building. The City will lay out the site to accommodate future plant expansions as required for any unforeseen needs. Structures on the site amount to approximately 95,000 square feet, approximately 20% of the site.

General Comments: The applicant's request for use of the site as a WWTP requires a land use application for a Community Service (CS) approval for a Conditional Use (CU) in the Heavy Manufacturing zone. The zoning district, HM, provides for a Conditional Use application for a Community Service approval under Section .5330 (A). The conditional use section refers to the criteria of Section .7005 through Section .7030, the Community Service criteria. The Community Service section lists "waste collection, transfer, processing, or recovery facility" as a use in Section .7020(A)(22).

The Conditional Use application and request for Community Service approval require additional review of the site under the Design Review process (Section 11.15.7805). The Design Review process is a detailed review of the site for compliance with parking and landscape provisions found in Off-Street Parking and Loading (OP) (Section 11.15.6100). Section .5060 and Section .7010 (F) require Design Review applications for Community Service/ Conditional Use applications.

The site is near the Troutdale Airport. The provisions of the Oregon Administrative Rule under OAR 660-013-0010 et seq. regulate land uses near airports. A copy of the Runway Protection Zones, Safety Area and Height Restriction Elevations map, from the Oregon Airport Land Use Compatibility Guidelines, November 1994, is in the case file for PA 22-99. In addition, Elizabeth McCallum of the City of Troutdale Planning Department provided information on airport regulations, via an August 24, 1999 fax to Staff. The applicant has provided information regarding compliance with the airport standards. The City of Troutdale will undertake mitigation measures to detract wildlife. They will install parallel cables over the biosolids storage basin and fishing line over the tops of the primary and secondary clarifiers. The City will implement other methods as necessary upon startup of the facility.

V. HEARING AND TESTIMONY

Hearings Officer Deniece Won received testimony at the public hearing about this application on October 20, 1999.

- A. **Tricia Sears, County Planner, summarized the staff report. She submitted Exhibit H1, an affidavit of posting and H2, a comment from the east Multnomah County Soil and Water Conservation District.**
- B. **Jim Galloway, City of Troutdale Engineer, testified in favor of the application. He said that the existing sewage treatment plant for Troutdale is downtown behind the Columbia Outlet Mall. The reasons for moving the plant concern capacity problems with the existing plant and to make the existing sit available for downtown development.**
- C. **The Hearings Officer asked questions about whether the Lot of Record Provisions of the General Manufacturing zone section applied here.**

VI. APPROVAL CRITERIA, FINDINGS AND CONCLUSIONS

A. Multnomah County Code

Urban Manufacturing General Provisions (UM/GP)

11.15.5005 Area Affected

MCC .5005 through .5065 shall apply to those lands designated LM, GM and HM on the Multnomah County Zoning Map.

Findings and Conclusions. The applicant proposes that the WWTP be located on two parcels. Tax Lot 400 is unincorporated and the subject of this application. Tax Lot 1700 is within the city limits of the City of Troutdale. The Hearings Officer assumes that the City of Troutdale will review an appropriate land use action for the facility on the Tax Lot within the City's jurisdiction. Tax Lot 400 is within Multnomah County's jurisdiction and zoned Heavy Manufacturing (HM) according to the maps on file at Multnomah County's Land Use Planning offices. Consequently, MCC .5005 through .5065 apply to that parcel.

11.15.5010 Purposes

The purposes of the Urban Manufacturing Districts are to provide for the designation of suitable lands for industrial use, economic growth and development; to assure the stability and functional aspects of existing and planned industrial areas and of employment opportunities by protecting potential industrial lands from encroachment by non-industrial or incompatible uses; to accommodate a diversified economy and a complementary blend of uses; to provide for industrial land use classification by types of uses in relation to similar and associated activities and off-site effects; to reinforce community identity; to establish standards and requirements necessary to the realization of the

Hearings Officer Decision
November 4, 1999

Comprehensive Plan policies while affording maximum opportunities for the location and development of industrial uses; to encourage the conservation of energy resources and to establish approval criteria and development standards for the location of supportive uses and services consistent with the Comprehensive Plan.

11.15.5015 Lot of Record

- (A) For the purposes of these districts, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to July 26, 1979.**
- (B) 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 the minimum lot or yard requirements or result in a lot with less than the area or width requirements of the district.**

Findings and Conclusions. The subject parcel, Tax Lot 400, was part of Tax Lot 40, Section 23, T1N, R3E until 1994. In 1994 the department of Taxation and Assessment administratively created Tax Lot 400 out of Tax Lot 40 to comply with State guidance prohibiting one tax lot from spanning two or more sections. The applicant provided documentation of this action in Appendix "A" to the application. The applicant has provided additional documentation from the Multnomah County Assessment and Taxation Division (A & T) with a fax submittal to Staff on August 26, 1999. The August 26, 1999 fax submittal is in case file CS 1-99. The documents illustrate the creation of Tax Lot 400 was for administrative purposes. The paperwork from A & T states, "This correction is a result of new, more accurate maps generated by the Dept. of Revenue, State of Oregon for the Multnomah County Division of Assessment & Taxation." In addition, A & T made an alteration to the tax lot "Due to State of Oregon Claim, in and to the bed of the Sandy River lying below the high water line." A & T retained the existing deed. The Lot of Record is all of former Tax Lot 40. A & T created Tax Lot 400 out of Tax Lot 40 for Assessment and Taxation purposes only and it is not a lot of record for land use purposes, as it was not divided pursuant to ORS 92 before July 26, 1979. ORS 92.017 provides that:

"A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law."

Reynolds Aluminum has not divided Tax Lot 400 as provided by ORS 92 and the multnomah county land division requirements. Therefore the legal lot for land use purposes, as opposed to A & T purposes, is Tax Lot 40.

Because the Subject Tax Lot 400 is not a lot of record, the Hearings Officer concludes that the requirement in MCC 11.15.5030, concerning lot sizes for conditional uses applies. That section of the Code is discussed below. Further, only part of Tax Lot 400 is the subject of this application. Tax Lot 400 contains 69.92 acres, while the proposed site for the facility contains only 12 acres (including .66 acres in Tax Lot 1700 which is within the City of Troutdale's jurisdiction). It appears that the City of Troutdale intends to purchase the portion of Tax Lot 400

Hearings Officer Decision
November 4, 1999

that is subject to this application from the current owner, Reynolds Aluminum. ORS 92.016(2) provides:

“A person may negotiate to sell any parcel in a partition with respect to which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to the approval of the tentative plan for the partition; but no person may sell any parcel in a partition for which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to such approval.”

Before the City purchases the land, Reynolds Aluminum must partition the area subject to this conditional use permit from Tax Lot 40 (the legal lot for land use purposes) pursuant to the requirements in ORS 92 and the County’s land division requirements.

11.15.5020 Access

- (A) Any lot in these districts shall have access from a public street or from a private street approved under MCC 11.45, the Land Division Chapter.**
- (B) Access shall be improved according to the provisions of the Street Standards Chapter, MCC 11.60, for public streets, or the Site Development Standards Chapter for private streets.**

Findings and Conclusions. Tax Lot 400 is accessed by a public street, N.W. Graham Road. The City of Troutdale owns the street. The applicant provided a letter (dated September 2, 1999) from the City of Troutdale Community Development Director stating the City does not require additional dedication for NW Graham Road "Since the right-of-way in that location is at the required width of 60 feet." The letter is attached as Exhibit #10. According to the applicant, the City will install curbs along the main entrance and will extend curbs from N.W. Graham Road to the administration building. Access to the plant will consist of a 20-foot wide asphalt concrete loop road, which will circle the entire facility. Maintenance vehicles will have access to each facility by paved areas from the loop road. The applicant will construct an 8-inch thick concrete pavement section at the turnaround area to the head works complex where trucks will load and unload a 10-yard dumpster. Impervious parking and roadways on the site consist of approximately 84,000 square feet, which is approximately 17% of the site. The application meets the criterion.

11.15.5030 Lot Sizes for Conditional Uses

Except as otherwise established by this Chapter, the lot size for a Conditional Use shall be determined by the approval authority at the time of approval of the use, based upon:

- (A) The site size needs of the proposed use;**
- (B) The nature of the proposed use in relation to its impacts on or from nearby properties or uses; and**
- (C) Consideration of the purposes of the district.**

Findings and Conclusions. The County Development Code contains no minimum lot size, yard setback or lot coverage requirements for the Urban Heavy Manufacturing zoning district. The site plan for the proposed WWTP demonstrates that the 12-acre site is adequate to meet present and future site size needs of the proposed use. The proposed lot size (11.34 acres of unincorporated land plus .66 acres of incorporated land) will not significantly create adverse impacts on nearby properties or uses because those properties are Industrial/Heavy Manufacturing and the applicant has provided measures to mitigate impacts. Considering the purposes of the zoning district, without adequate wastewater treatment no economic growth and development may occur anywhere within Troutdale or its urban service area. A purpose of the HM district is to allow processing industries essential to the regional economy. This proposed development is consistent with that purpose.

11.15.5035 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

Findings and Conclusions. The parking standards of the Multnomah County Code do not specify the required number of spaces for a WWTP. Under Section .6142(F), Unspecified Uses, “Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.” Under subsection (E)(2) of Section .6142, the storage requirements list “one space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.”

The site plan illustrates that twelve (12) parking spaces will be on the site for the WWTP. Twelve parking spaces are adequate for the proposed use of the site.

The Design Review provisions and the Off-Street Parking and Loading (OP) provisions will be addressed in detail with the applicant's subsequent application for Design Review. If necessary, the City of Troutdale will also submit a Grading and Erosion Control (GEC) permit.

According to the applicant:

Parking spaces shall be available for the parking of personal vehicles of employees, any city-owned vehicles needing parking, and any visitors that may occasionally visit. These parking spaces shall provide for the turning, maneuvering and parking of all vehicles on the lot and shall be located out of the public right-of-way. All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of Portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. All areas used for parking, loading and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaping strips or yards to prevent unchanneled motor vehicle access or egress and will meet the landscape and screening requirements. All areas for parking and maneuvering shall be marked according to the attached plan and Multnomah County Code and shall be graded and drained to provide for the disposal of all surface water on the lot. According to MCC .6142, minimum required off-street parking spaces for a storage use is one space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet. Taking into account all structures on the site, they account for approximately 95,000 square feet of storage area which would equate to a requirement of six parking spaces under the code. The parking plan for the WWTP administration building will exceed this requirement and will accommodate 12 vehicles including one handicap parking stall and access for employee and visitor parking.

The applicant states that twelve (12) parking spaces, including one (1) handicapped parking stall and access, will be constructed. The applicant also states that six (6) employees work at the current site and several city-owned vehicles are stored at the facility.

The application meets the criterion of providing adequate on-site parking. As stated, additional site review will occur under the required subsequent applications.

11.15.5060 Design Review

Uses in these districts shall be subject to Design Review approval under MCC .7805 through .7865.

Findings and Conclusions. The applicant, as has already been stated, is required to obtain Design Review approval after completion of the Community Service, CS 1-99, application process. Besides the Code provisions that clearly state the requirements, Condition of Approval number three requires the applicant to apply for Design Review and Condition of Approval one requires the applicant to apply for a Grading and Erosion Control permit.

Hearings Officer Decision
November 4, 1999

Heavy Manufacturing (HM)

11.15.5305 Purposes

In addition to the purposes listed in MCC .5101, the purposes of the Urban Heavy Manufacturing District are to provide for the location of basic or primary processing industries essential to the regional economy; to establish separation and other standards designed to mitigate adverse off-site effects characteristic of certain uses, and to provide for industrial uses unsuitable for location in the LM and GM districts.

11.15.5310 Area Affected

MCC .5305 through .5340 shall apply, in addition to the provisions of MCC .5005 through .5065, to those lands designated HM on the Multnomah County Zoning Map.

Findings and Conclusions. Tax Lot 400 is zoned Heavy Manufacturing (HM) according to the maps on file at Multnomah County's Land Use Planning offices. Consequently, the provisions of MCC .5305 through .5340 apply.

11.15.5315 Uses

Except as otherwise provided in this Chapter, no building structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .5320 through .5330.

* * *

11.15.5330 Conditional Uses

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

(A) Community Service Uses, under the provisions of MCC .7005 through .7030;

Findings and Conclusions. The applicant has submitted a narrative response to the Community Service criteria the Hearings Officer has found that the standards applicable to Community Service uses are satisfied. See the discussion under MCC .7005 through .7030 below.. The request for Community Service approval for the WWTP is a Conditional Use in the Heavy Manufacturing zone.

Hearings Officer Decision
November 4, 1999

11.15.5335 Dimensional Requirements

- (A) The lot size for a use permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, setback, lot coverage, design review and other requirements of the district.**

Findings and Conclusions. The subject Tax Lot 400 contains 66.92 acres (although I note that Tax Lot 400 is not a legal lot of record for land use purposes, the legal lot of record is the larger Tax Lot 40). The part of the proposed development to be placed on Tax Lot 1700, containing .66 acres, is not part of this application because it is within the City of Troutdale and Multnomah County has no land use jurisdiction over that parcel. The applicant proposes to use approximately 12 acres of the two parcels for the WWTP. There are no minimum yard, setback, or lot coverage requirements set forth in either the Heavy Manufacturing (HM) zone or the General Urban Manufacturing provisions (UM/GP). Nor has the Hearings Officer found or been cited to any such standards elsewhere in the Code. Design Review standards and Off-Street Parking and Loading standards will be reviewed in detail under the Design Review (DR) application. In addition, a Grading and Erosion Control permit may be required for the proposed development. The application meets the criterion.

- (B) Maximum height of any structure shall be 60 feet.**

Findings and Conclusions. The applicant has provided elevation drawings of the proposed buildings and structures for the WWTP. The proposed structures do not exceed the 60-foot height limit of the zone. The application meets the criterion.

11.15.5340 Landscaped Buffer Area

A landscaped buffer area shall be established and maintained as required under MCC .5140 of the Urban Light Manufacturing District.

11.15.5140 Landscaped Buffer Area

- (A) A landscaped buffer area shall be established and maintained according to the applicable standards of MCC .7855. The buffer area shall have a minimum width:**
- (1) Of 50 feet along any property line which is adjacent to or across any street, slough, drainageway, railroad or other right-of-way from any land designated as residential by the Comprehensive Plan;**
 - (2) Of 25 feet along the right-of-way or from the high water line of any lake, slough, stream, drainageway or other waterway; and**
 - (3) Of 20 feet along a lot line adjacent to a street;**

- (4) **Equal to the building height, between a building in this district and a residential district lot line;**
 - (5) **Of 10 feet between a parking, loading or vehicle maneuvering area and a residential district lot line; and**
 - (6) **Of 25 feet between an outside storage or open display area and a residential district lot line.**
- (B) **Exception - In acting on a final design review plan under MCC .7845 through .7855, the Planning Director may waive or modify a requirement of subsections MCC .5140(A)(1) through (6) upon a finding that:**
- (1) **An established building line renders the requirement inappropriate, or**
 - (2) **The factors listed in MCC .7860(C)(1)(a) through (d) are satisfied.**

Findings and Conclusions. The parcel is not adjacent to any land designated as residential. Consequently the buffers required in .5140(A)(1), (4), (5) and (6) do not apply. The parcel does not abut any lake, slough, stream, drainageway or other waterway. Consequently the buffer required in .5140(A)(2) does not apply. The parcel fronts N.W. Graham Road. The 20 feet buffer required in .5140(A)(3) applies along the south side of the property where it is adjacent to Graham Road.

In the application sections titled, "Site Security/ Screening" and "Landscape/ Screening" the applicant stated:

The perimeter of the plant will be secured with a 6-foot high chain link fence topped with three strands of barbed wire. The main entrance will have a 6-foot high chain link double swing locking gate, which will be opened and closed manually by the staff. The City will use excess excavated material to create berms along the south property line to provide additional screening of the plant from those driving north on Graham Road.

They will landscape the interior of the plan with grass. Slopes will be less than 4:1 to provide ease in maintenance. Trees will be located along a portion of the south berm and along the west property line to help provide screening of the plant from Graham Road. Irrigation will be provided for the grass and trees located at the interior of the plant. Grass on the stockpile and approximately 300,000 [square feet], which constitutes approximately 63% of the site.

In the application section titled, "Off-Street Parking and Loading," the applicant stated:

All areas used for parking, loading or maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaping strips or yards to prevent unchanneled motor vehicle access or egress and will meet the landscape and screening requirements.

The applicant is required to obtain Design Review approval. The Design Review application will entail a detailed review of the Multnomah County Code provisions for Design Review, Landscaped buffers and Off-Street Parking and Loading.

Off-Street Loading and Parking (OP)

11.15.6102 General Provisions

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

Findings and Conclusions. The provisions of the Off-Street Loading and Parking (OP) section will be addressed by the applicant under the Design Review application. Please note the comment under Section .6122.

11.15.6122 Interpretation

Off-street parking or loading requirements for structures or uses not specifically listed in MCC .6142 and .6144 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.

Findings and Conclusions. The applicant will provide twelve (12) parking spaces on the subject parcels for the proposed water pollution facility. Please see the discussion under Section .5035 of this Decision.

11.15.6136 Signs

Signs, pursuant to the provisions of 11.15.7964.

Findings and Conclusions. The applicant states that one sign will be placed near the entrance to the site on NW Graham Road. The sign will be reviewed under the Design Review application.

* * *

Community Service (CS)

11.15.7005 Purpose

MCC .7005 through .7041 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Chapter.

11.15.7010 General Provisions

(A) Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.

Findings and Conclusions. The applicant has submitted the appropriate land use application for the request for the WWTP on the subject parcels in the Heavy Manufacturing zone.

(B) Except as provided in MCC .7022(F) and (G), the Approval Authority shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.

Findings and Conclusions. The application for the Community Service use was reviewed at the public hearing on October 20, 1999 at the offices of the Multnomah County Land Use Planning Division.

(C) The approval of a Community Service Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:

(1) The project is completed as approved, or

(2) The Approval Authority establishes an expiration date in excess of the two year period, or

(3) The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:

(a) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.

(b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:

- (i) **Final Design Review approval has been granted under MCC .7845 on the total project; and**
- (ii) **At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).**
- (c) **Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.**
- (d) **The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.**
- (D) **A Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.**
- (E) **In granting approval of a Community Service Use, the approval authority may attach limitations or conditions to the development, operation or maintenance of such use including but not limited to setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards, periods of operation and expiration dates of approval.**
- (F) **Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.**
- (G) **A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.**

Findings and Conclusions. Subsections (C) through (G) have been provided as informational for the applicant.

11.15.7015 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC .7035, and except for regional sanitary landfills which shall comply with MCC .7045 through .7070.

(A) Is consistent with the character of the area;

Findings and Conclusions. The entire surrounding area is zoned General Industrial or Light Industrial such as Hawkeye Construction, Reynolds Metals, and the Troutdale Airport surrounding the property. Approximately 63% of the site would be retained as landscaping to maintain as much of the natural setting as possible in the area of the Sandy River. The applicant submitted photos of the site at the Pre-Application Meeting on August 25, 1999. One of these photos is attached as Exhibit #6.

Defining "character of the area" is difficult because it is a non-quantifiable evaluation. Staff evaluated the zoning on the subject parcel and the surrounding parcels; and the possible uses of the said zoning designations in the area. Exhibit #7 contains a City of Troutdale zoning map of the area within the City, showing all the surrounding area is zoned industrial. The unincorporated area north of the site is used by Reynolds Aluminum, an industrial use. Reynolds Aluminum ownership is also designated and zoned for manufacturing uses. A WWTP is designated as a Community Service use under subsection (22) of Section .7020 (A) of the Multnomah County Code as a "waste collection, transfer, processing, or recovery facility." The Community Service (CS) use is a Conditional Use application in the Heavy Manufacturing (HM) zone. In addition, Staff visited the site on October 11, 1999. According to the staff, the site is part of the industrialized area of the City of Troutdale and Multnomah County located west of the Sandy River, north of I-84 and south of the Columbia River. The applicant's proposed use is not a typical industrial use in that no commercial product is created from a process. Nonetheless the facility will process sanitary sewage and the product is clean water to meet state and federal water quality regulations.

The applicant's proposed use of the site as a WWTP is consistent with manufacturing uses already existing in the area and with the City and County plan and zoning designations in the area. The application meets the criterion.

(B) Will not adversely affect natural resources;

Findings and Conclusions. The applicant's proposed use is to clean or treat sanitary sewage coming into the facility and releasing the treated clean water into the Sandy River in compliance with state and federal water quality regulations. The proposed facility is a replacement of an existing sewage treatment plant within Troutdale located in the north part of the City, north of I-84. The applicant has provided a site plan of the two properties

the City proposes to develop. As noted earlier the applicant proposes to use approximately 12 acres of the two properties (.66 acres and 69.92 acres respectively).

The City conducted a wetland delineation on the subject parcel. The subject tax lot was found to contain four jurisdictional wetlands subject to the Clean Water Act and Oregon Removal/ Fill Law (See Figure 5). The jurisdictional wetlands exist as seasonal herbaceous wetland depressional areas and wetland swales. Some identified wetlands are off-site while others are on-site in the northwest corner of the parcel. The site is not listed on the Multnomah County Significant Wetlands maps.

The Flood Insurance Rate Map #410179-0220B shows the site is part of Zone B and is protected by a dike to keep the Sandy River from flowing onto the site. Zone B is the area between the limits of the 100- and 500- year floods. According to the staff, the applicant submitted photographs to the staff on August 25, 1999 at the Pre-Application Meeting (PA 22-99) which reveal the vegetation on the site is grassland. Exhibit #6 is a photo of the site provided by the applicant. The staff confirmed this existing vegetation on the site visit on October 11, 1999. The eastern property line of the site is well over 100 feet away from the top of the Sandy River bank and is protected from the Sandy River by a flood control dike.

The City of Troutdale will maintain a minimum 25-foot buffer around any of the identified wetlands. Other natural resources in the area include the Sandy River, which is approximately 240 feet to the east of the subject parcel at its closest point (See Figure 1). The proposed land use is not expected to adversely affect any of these resources. According to the applicant, 63% of the site will be in landscaping.

The applicant submitted a site plan entitled, "WCPF Erosion Control Plan". A reduced copy of the erosion control plan is attached as Exhibit #2. The applicant will be required by obtaining an erosion and control permit to meet all standards of MCC 29.305. The site plan provided illustrates the location and type of erosion control measures to be installed on

The applicant submitted a copy of the location of the outfall for the City's existing WWTP. Exhibit #9. The applicant has determined to retain the existing outfall. A new segment of outfall line will be extended from the new facility to connect to the existing outfall line.

The proposed use will not adversely affect natural resources. As mentioned above, most of the site will be retained as landscaping. A minimum 25-foot buffer will be maintained around any identified wetlands or other sensitive areas. Therefore, no impacts to wetlands or natural resource area are expected to occur. Erosion control and protection measures will be installed to protect the wetlands and any other sensitive areas on-site. Much of the site is flat grassland and minimal trees or other vegetation will be disturbed. The existing Sewage Treatment Plant's outfall will be utilized. The discharge into the Sandy River is subject to regulation by the Department of Environmental Quality (DEQ) and subject to DEQ and federal water pollution standards. The facility itself and the process of treating the water at the facility will have minimal impact on natural resources. Because the facility is replacing an existing facility and

the proposed facility is modern it should have a net positive effect on the environment. The application meets the criteria for not adversely affecting natural resources.

(C) Will not conflict with farm or forest uses in the area;

Findings and Conclusions. The proposed site is vacant land consisting of flat grassland with no forest or farm uses on the subject parcel or in the surrounding area. The subject parcel and the surrounding parcels are zoned with industrial zoning designations such as Light Manufacturing and Heavy Manufacturing. The surrounding parcels are not zoned for farm or forest use. Because neither the site nor the surrounding lands are zoned or used for farm or forest use, the application meets the criterion and will not conflict with farm or forest uses in the

(D) Will not require public services other than those existing or programmed for the area;

Findings and Conclusions. The applicant has submitted all the required Service Provider forms and the forms are appropriately completed. The applicant proposes to provide a service to the community (City of Troutdale) with the WWTP. The site is located in an industrially zoned area, currently within the Multnomah County jurisdiction and adjacent to the City of Troutdale. Based on the service provider forms, the Hearings Officer concludes that the existing services are adequate for the proposed use. The application meets the criterion.

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Findings and Conclusions. The proposed site is located outside of the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife. The application meets the criterion.

(F) Will not create hazardous conditions; and

Findings and Conclusions. The applicant City conducted a Geotechnical field exploration program on the subject parcel and a Geotechnical report was prepared. The site of the new facility is on the eastern part of the Portland Basin. The site overlies Holocene-age alluvium flood deposits that consist of medium to fine sand and silt. The applicant believes the groundwater at the site to be in a perched condition, not typically affected by the Columbia or Sandy River levels.

The City will install erosion control and protection measures to protect the wetlands and any other on-site sensitive areas. The City caused a Phase I Environmental Assessment to be conducted on the subject parcel. The Assessment found that the potential for adverse environmental impact to the site from former and current use is low, and the impact from nearby sites is also low. The City will develop a new facility Accidental Spill Prevention Plan (ASPP)

Hearings Officer Decision
November 4, 1999

before operation of the WWTP to discuss how the City will handle a spill or an upset at the plant, to prevent any negative impacts to the property and the surrounding area.

The proposed WWTP will not create hazardous conditions. The facility is being designed to ensure that it meets all current local, state, and federal requirements and will not require any hazards. The new facility will have an Accidental Spill Prevention Plan (ASPP) developed prior to operation to discuss how a spill or an upset at the plant would be handled to prevent any negative impacts to the property and the surrounding area. Erosion control and prevention measures will be installed to protect wetlands and other sensitive areas on site. The applicant's proposed WWTP (activated sludge system) will not create hazardous conditions and hence, the application meets the criterion.

(G) Will satisfy the applicable policies of the Comprehensive Plan.

Findings and Conclusions. The proposed site will satisfy the applicable policies of the Comprehensive Plan. These applicable policies are addressed in the last section of this Decision titled "Comprehensive Plan Policies."

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

Findings and Conclusions. The applicant's proposed WWTP is subject to review under the Design Review criteria (including Off-Street Parking and Loading) and, if applicable, the Grading and Erosion Control criteria. Conditions of Approval have been established related to these requirements (#1 and #3). Subsequent, related decisions for the proposed development on the site might include additional Conditions of Approval as deemed appropriate for the submitted application at that time.

11.15.7020 Uses

(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

* * *

(22) Waste collection, transfer, processing, or recovery facility.

Findings and Conclusions. The proposed WWTP will collect waste (sanitary sewage) and process that waste into clean water. The use may be permitted in the Heavy Manufacturing district.

Conditional Uses (CU)

11.15.7105 Purposes

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

Findings and Conclusions. As noted under .5330 Community Services uses may be permitted as conditional uses under the provisions of MCC .7005 through .7030. Those provisions have been addressed above.

Design Review (DR)

11.15.7805 Purposes

MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

Findings and Conclusions. The applicant is required to submit for a Design Review (DR) application subsequent to the completion of the Community Service case, CS 1-99. See also Condition of Approval #3.

11.15.7820 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district and to the following:

Findings and Conclusions. The applicant's request is for approval of a Community Service use for a WWTP. The proposed use is listed as a Community Service use under Section .7020(A)(22) for a "waste collection, transfer, processing, or recovery facility." The Community Service use is a Conditional Use under the Heavy Manufacturing (HM) zoning designation [See Section 5330 (A)]. The subject properties are zoned HM. The applicant is required to submit for a Design Review (DR) application subsequent to the completion of the Community Service case, CS 1-99. See also Condition of Approval #3.

* * *

B. COMPREHENSIVE PLAN POLICIES

POLICY 4 Intergovernmental Coordination

It is the County's policy to participate in intergovernmental coordination efforts with federal, state and local governments and with special service districts. The County will ensure that the responsibility and support for land use planning will be coordinated with adjacent jurisdictions through the adoption of urban planning area agreements which will recognize:

- A. That it is not the County's primary role to provide urban services;**
- C. That the County's Comprehensive Framework Plan and component community plans and implementing ordinances will be the primary plan for unincorporated areas until, and during, any jurisdictional transition;**
- D. The County has a responsibility to support the planning process for unincorporated areas; and**
- D. Establish and participate in a cooperative process to address the future of urban service provision issues.**

In addition, it is the County's policy to support:

- 1. Accountability and responsiveness to regional and countywide needs;**
- 2. The identification and maintenance of the urban growth boundary as adopted by METRO;**
- 3. The delivery of services necessary countywide and in the areas outside the urban growth boundary;**
- 4. Joint development projects with the private sector which target public investments (fiscal or regulatory) to the support of countywide benefit and which fulfill pertinent community plans; and**
- 5. The attempt to preserve the integrity of the land use policies of any County Comprehensive Plan element that may be affected by the actions of another jurisdiction where those actions may have "off-site" effects.**

Findings and Conclusions. Policy 4 does not contain decision-making criteria applicable to development applications. Nonetheless, the applicant and staff addressed Policy 4 in the application and the staff report respectively. The information the provided is provided here as supplemental information. According to the applicant:

The City of Troutdale supports the County's policy to participate in intergovernmental coordination efforts with federal, state, and local governments and with special service districts and feels that coordination between agencies is very important. To establish good coordination with other agencies, the City of Troutdale held a meeting during the pre-design phase where representatives from the Department of Environmental Quality, National Marine Fisheries Service, Division of State Lands, Oregon Department of Fish and Wildlife, Port of Portland, and the Army Corps of Engineers were in attendance to discuss any issues or concerns these agencies might have with the WWTP project (Notes from this meeting and comments from the Federal Aviation Administration, the only one to provide such comments, are attached in Appendix F). The City asked that any of the agencies please contact us if they see any concerns with the project along the way. The City is continually working with the Department of Environmental Quality as they review the stages of design and the final design of the project and has worked diligently with them on establishing the outfall location as well as many other aspects of the project. The City also continually works with the Port of Portland to ensure that the WWTP addresses state requirements and other airport standards. The City has and will continue its intergovernmental coordination efforts to ensure the WWTP addresses raised by another agency.

The staff provided the following information in the staff report.

Staff has reviewed the materials provided by the applicant in Appendix F of the application for CS 1-99. The above described meeting between the City of Troutdale, CH2MHill, and other agencies, took place on February 24, 1999. The applicant has shown a tremendous effort to notify other local, state, and federal agencies about the proposed WWTP. The comments from the FAA include concerns about the wildlife mitigation efforts at the proposed site. The letter from Cayla Morgan, dated July 7, 1999, to James Galloway at the City of Troutdale, states "We have reviewed the proposal for the above referenced facility and find it to be in conflict with the guidance contained in Federal Aviation Administration (FAA) Advisory Circular (AC) 150-5200-33, 'Hazardous Wildlife Attractants on or Near Airports' and therefore cannot concur in the location nor the design." In addition, Ms. Morgan states, "We recognize that we have no authority to affect a change in your plans for this facility but would like you to further consider these recommendations in the interest of aviation safety. In the event that the existing proposal is constructed, we would like to encourage you to work with the Port of Portland and USDA in minimizing the potential for hazardous wildlife near the facility." The applicant has stated that mitigation measures will be taken on the site to distract wildlife. The applicant states that "Parallel cables will be installed over the biosolids storage basin and fishing line will be installed over the tops of the primary and secondary

clarifiers. Other methods will be implemented as necessary upon startup of the facility" (page 4 of narrative). The applicant meets the criterion for intergovernmental coordination.

POLICY 13 Air, Water, and Noise Quality

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, if a land use proposal is a noise-sensitive use and is located in a noise-impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan:

- 1. Building placement on the site in an area having minimal noise level disruptions.**
- 2. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.**

Findings and Conclusions. The portions of the policy addressing air and water quality are not criteria applicable to development applications. According to the applicant, the proposed use will have very little noise impacts, if any. The facility's generator and any other noise producing equipment will be placed inside buildings that are insulated to lower any interior noise levels and minimize any outside noise. Structures such as the digester complex, the containment area, and the drywell, are not noise generating structures. If the generator is a noise generator then the application complies with the criteria in Policy 13 because it is placed in an insulated building to lower noise levels.

The City will use a soil media bio filter along with exhaust fans and associated duct work to treat odorous air from the Head works, Gravity Thickener, Primary Clarifier launders, Primary Clarifier center walls, and the primary treatment flow distribution box. They will evenly distribute the odorous air throughout the bio filter through a main header and many small laterals with perforations. The bio filter is designed to remove 95 percent of hydrogen sulfide, volatile fatty acids, and other various reduced organic sulfur compounds in the odorous air stream.

The Hearings Officer believes that the criteria do not apply because the proposed facility is not a noise-sensitive use nor is it a noise generator.

POLICY 14 Developmental Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations, except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse

effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- A. Slopes exceeding 20%;**
- B. Severe soil erosion potential;**
- C. Land within the 100 year flood plain;**
- D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**
- E. A fragipan less than 30 inches from the surface;**
- F. Land subject to slumping, earth slides or movement.**

Findings and Conclusions. The parcel contains Faloma silt loam (16), according to the soil maps on file at Multnomah County. The slopes are 0 to 3 percent for this soil type and thus, the slopes on the site do not exceed 20%. The soil type has a slight level of potential erosion.

The site is located on between the limits of the 100- and 500- year floods, Zone B, according to the Flood Insurance Rate Map #410179-0220B. The Soil Survey of Multnomah County, OR states that the soil type is "subject to flooding but is protected by dikes and levees." The applicant City stated that it will maintain at least a 35-foot setback from the dike and will not disturb any portion of the dike or the land within the 35-foot setback.

According to the applicant, based on the geotechnical information available, the soil appears to transition from clay to sand at an elevation of approximately 10 feet. Therefore, the applicant has avoided as much as possible, placing structures below elevation 10 feet, to minimize dewatering activities during construction. The land has minimal chance of being subject to slumping, earthslides, or movement, and doesn't contain a fragipan less than 30 inches from the surface or a high seasonal water table. Consequently the parcel does not have developmental limitations as defined by Policy 14.

POLICY 22 Energy Conservation

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources through:

- A. The development of energy-efficient land uses and practices;**

- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climatic conditions to advantage;**
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.**

Findings and Conclusions. According to the application, the proposed WWTP is being developed with the intent of utilizing energy-efficient land uses and practices. Some of these practices include: minimal outdoor lighting, approximately 90% less ultraviolet bulbs will be utilized in the new plant than are currently being utilized; methane gas produced during the treatment process at the facility will be reused as the energy source for the digesters; and newer equipment will be much more energy efficient than the older equipment being utilized at the current plant. The City also land-applies biosolids from the lagoon on state-approved sites to reuse the material. The facility also recycles a number of materials such as paper, glass, plastic bottles, pop cans, newspapers, magazines, motor oil, and any cardboard to save energy and preserve resources. The WWTP will not generate many vehicular trips other than the 6 employees who work there on a daily basis. The site is laid out to utilize the natural environment by allowing most of the stormwater runoff to flow into swales and drywells for infiltration and approximately 63% of the site will be maintained as natural landscaping.

The site of the proposed facility is in an industrialized area. The site is accessed from N.W. Graham Road, a road owned by the City of Troutdale.

POLICY 31 Community Facilities and Uses

Community facilities and services include public and private activities which are operated for the benefit of the public and to fill a social need. Basic services which have a direct effect on the public health, safety and welfare are public schools, transportation, water supply and sewage and solid waste disposal. . .

*** * * Service providers, in making their locational decisions, must take into account such factors as public need, location of target clientele, existing financial obligations, present and anticipated resource availability, and costs of physical plant and program development. Taken together, the siting and expansion of community facilities must be at locations reflective of community needs and the ability of service agencies to deliver services.**

INTENT

It is the intent of this policy to support the location of community facilities at sites which reinforce the timely and orderly delivery of services, maximize efficient use of existing facilities and provide for the development of new and additional services where unmet public need has been identified.

The County’s policy is to:

- A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.**
- B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.**
- C. Encourage land use development which supports the efficient use of existing and planned community facilities.**
- D. Support the development of a unified approach to long-range community facilities planning and capital investment programming in Multnomah County.**
- E. Classify community facilities according to their function and scale of operations.**

	<u>Scale</u>	<u>Type of Facilities</u>
Community Service	* * *	
	Foundations	Sewage Treatment Plants

- F. Locate community facilities on sites with average site grades consistent with a project’s scale and impacts. Site slope requirements by scale are:**

	<u>Average Site</u>	
	<u>Scale</u>	<u>Slope</u>
	<u>Standard</u>	
Community Service Foundations		20%

For sites with average slopes steeper than the standard, the developer must be able to demonstrate that through engineering techniques, all limitations to development

and the provision of services can be mitigated.

- G. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:**

	<u>Scale</u>	<u>Vehicular Access Standards</u>
Community Service	Truck traffic will not be routed through local Foundations	neighborhood streets.

Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion, considering the following:

- 1. Roadway capacities.**
 - 2. Existing and projected traffic counts.**
 - 3. Speed limits.**
 - 4. Number of turning points.**
- I. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.**
 - J. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards codified in MCC 11.15.7805-11.15.7865.**
 - K. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.**

Findings and Conclusions. The site of the proposed WWTP is convenient for City of Troutdale Staff and the use provides a service to the community of Troutdale. The WWTP will be a community facility operated for the benefit of the public, as called for in Plan Policy 31. The current treatment facility is located in downtown Troutdale and its capacity has been exceeded as a result of continued growth. The City of Troutdale and the US Army Corps of Engineers conducted a "Troutdale Sewage Treatment Plant Alternatives Study" in 1996 and identified the above-mentioned subject parcel as the most advantageous site to relocate the plant. Moving the plant away from the downtown Troutdale area to the industrial area would provide a public benefit in avoiding perceptions of odor problems and complaints, a benefit in the interest of

visual aesthetics, and allows more beneficial use of the land where the plant is currently sited. Sanitary sewer influent piping will be extended from the old treatment plant along the south and west perimeter of the existing property line until it nears to Interstate 84, where the pipeline will turn east and run just inside the city property. The new influent pipe along Graham Road and Harlow Place to the existing outfall manhole will discharge into the Sandy River in the vicinity of the existing 12-inch outfall (See provided plan for outfall location).

The development of the site is orderly, timely, and efficient in terms of the availability of public services and facilities. The land development for the facility supports the efficient use of planned community facilities.

The site is owned by Reynolds Metals Company and the facility will be operated by the City of Troutdale. The proposed development is not related to capital investment programming in Multnomah County, but rather to capital improvement programming in Troutdale.

The scale and type of facility are classified as a Community Service Foundation under Policy 31 of the Multnomah County Comprehensive Plan (E).

The site consists of mostly flat to gently sloping terrain and has an average slope of approximately 1%, which is well below the 20% average site slope standard outlined in Policy 31 (F).

The applicant's proposed development is in an industrial area. Access to the parcel is provided by N.W. Graham Road, a collector street. The route to the facility does not include local neighborhood streets. The facility would not cause any dangerous intersections or traffic congestion as it would only generate approximately 5.7 p.m. peak hour trips (Derived from the Institute of Transportation Engineers "Trip Generation Manual, 6th Edition," 1997) on a lightly traveled road in the industrial area of the City. N.W. Graham Road intersects I-85 at an interchange. Exhibit #10 is a letter from the City of Troutdale Community Development Director describing that no right-of-way dedication is required for NE Graham Road.

The site layout and size has been designed to accommodate future expansion in the industrial area of Troutdale if it is deemed necessary.

The WWTP will be designed to accommodate applicable design review standards codified in MCC 11.15.7805-7865. The applicant's proposal will be reviewed under a Design Review application subsequent to the completion of the Community Service application process.

As this Decision sets forth in analyzing the proposal's compliance with applicable plan policies, the applicant's proposal is in accordance with other Comprehensive Plan Policies.

POLICY 37 Utilities

Utilities include sewer, water, storm water drainage, energy, and communications systems. The need for public water, sewer and drainage systems varies according to the density of development and the ability of the soil to absorb excess water. Therefore, there are different standards.

*** * ***

The purpose of this policy is to ensure that no long-range health hazard areas are created, and that excess water “run-off” will not damage property or adversely affect water quality. A second purpose of the policy is to ensure that a particular development proposal, because of its size and use, does not reduce the energy supply to a level which precludes the development of other properties in the area as proposed by the Comprehensive Plan. Water and Disposal System

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. Shall have an adequate private water system and a public sewer with adequate capacity.**

Findings and Conclusions. Policy 37 was amended in August 1999 by Ordinance 933 § III. The staff report applied the provisions of the former Policy 37. The Hearings Officer concludes that the amended Policy 37 was applicable in August, 1999, before the subject development application was deemed complete on October 5, 1999. Consequently the amended policy is applicable to this application. Former Policy 37 clearly provided that the policy’s standards applied to all quasi-judicial actions. The amended policy is not clear that it applies to quasi-judicial development actions. The amended policy lacks both a statement that it applies to quasi-judicial development applications and an object that the “shall” provisions in subsections A through D apply to. The Hearings Officer believes that the object of the “shall” provisions must be the proposed development that is the subject of a development application because the Introduction section of Policy 37 addresses the effects of proposed development and because the connection to facilities requirements only make sense if they relate to the development proposed in an application for development. This decision will be decided according to that interpretation.

Hearings Officer Decision
November 4, 1999

However, the Hearings Officer notes that she is troubled by that interpretation because it interprets the amended Policy 37 to have the same effect as former Policy 37 and does not provide any explanation for why the Policy was amended.

The City of Troutdale is the water purveyor for all of Troutdale's water users. The City proposes to connect the proposed WWTP to the City's water system by connecting with the existing 12-inch water line located on Graham Road. The applicant has provided the Certificate of Water Service form, signed by Edward Kubicki, Superintendent of Public Works for the City of Troutdale. Mr. Kubicki commented that the proposed use will be required to extend the existing line from its present terminus to the proposed site. The existing 12-inch water line has enough capacity to serve the proposed use (See Service Provider Forms, Appendix C). If the water line is extended to the proposed WWTP before the City annexes the subject site a water line extension approval from Metro will be necessary.

Since the proposed use is a WWTP, any sewage from the proposed use will be routed directly through the treatment facility. The applicant has submitted the Certification of Public Sewer Service. The document was signed by Michael Sorensen, the WWTP Superintendent, he commented "Service will be provided in plant piping detail in final design."

Drainage

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.**

Findings and Conclusions. See the Hearing Officer comments above concerning amended Policy 37.

The volume of stormwater runoff that can be expected in these areas has been calculated during the 25-year and 100-year storm events and is 38,800 gallons per day and 46,500 gallons per day respectively. The calculations and the "Rainfall Intensity - Duration - Frequency Curves" are included in Appendix E of the applicant's submittal for CS 1-99. As noted above in the "Water and Disposal System" section, the applicant has completed the required Service Provider forms. Much of the stormwater drainage from the facility will be diverted off of the paved roadway surfaces to swales and drywells.

Troutdale will design areas where sludge or screenings/grit could be spilled on the roadway while loading and unloading trucks to have stormwater collection drains which will route the drainage back to the primary influent pump station wet well for treatment in the WWTP before

discharge to the Sandy River. The treatment facility has been sized to 3 million gallons per day and is able to accommodate this stormwater flow (See verification letter and calculations, Appendix E). The applicant has submitted a letter from Rich Frankenfield of CH2M Hill to Jim Galloway of the City of Troutdale regarding the stormwater run-off in the areas "where sludge or screenings/ grit could be spilled on the roadway while loading and unloading trucks" on the proposed facility's site. As described by the applicant and by Mr. Frankenfield, the stormwater drainage from the WWTP site will be directed to swales and drywells. According to Mr. Frankenfield, "The drainage will be routed back to the primary influent pump station wet well for treatment in the WPCF."

The runoff from this site will not adversely affect the water quality in the adjacent Sandy River because most of the runoff will be treated through swales and then discharged to drywells on-site, while the remaining stormwater from areas where sludge or screenings/ grit could be spilled onto the roadway will be treated in the WWTP and then discharged into the Sandy River in compliance with the Department of Environmental Quality's discharge limitations. The runoff from this site will also not adversely affect or alter the drainage on adjoining lands as it will all be handled on site.

Energy and Communications

H. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and

I. Communications facilities are available.

Furthermore, the County's policy is to continue cooperation with the Department of Environmental Quality for the development and implementation of a groundwater quality plan to meet the needs of the County.

Findings and Conclusions. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan. This energy will be supplied by Portland General Electric. A back-up generator will also be utilized in the case of a power failure to keep a constant energy supply to handle the needs of the facility. Additionally, communication facilities are also available for the proposed development through GTE.

Multnomah County does not have Service Provider forms for the "Energy and Communications" requirements. The applicant has described that the site's energy needs will be provided by Portland General Electric. Under Comprehensive Plan Policy #22, Energy Conservation, the applicant described the energy efficient measures that the new facility would have and the energy efficient practices the facility will use at the site. The applicant has described the facility will have a back-up generator to use in case of an emergency. Communication facilities, as noted by the applicant, will be provided by GTE.

POLICY 38 Facilities

It is the County's Policy to coordinate and encourage involvement of applicable agencies and jurisdiction in the land use process to ensure:

School

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

Findings and Conclusions. The proposed facility is to be located in an industrial area of the City of Troutdale. This proposal will not affect the school district as it is a WWTP that will replace the existing treatment facility in Troutdale with no additional employees and will be located far away from the school district in the industrial area of the city. Multnomah County did not require the applicant to complete the Service Provider form for the school district. It will have no impact on the school district but they had the opportunity to review and comment on the proposal if they desire.

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

Findings and Conclusions. The applicant has submitted the Fire District Review form as signed by the City of Gresham's Deputy Fire Marshal. The Gresham Fire Marshall has had an opportunity to review and comment on the proposal and he stated that the source of the water line is a 10" line on Graham Road and the pressure is 20 psi residual at 2610 gpm. The Deputy also stated, "Fire flow is based on the largest building planned for the site. Future construction may require fire sprinkler system(s) and/ or fire resistive construction." (See Fire Service Provider Form, Appendix C to the application). The Fire Marshall will continue to be involved in the design review process to ensure that the proposed development continues to meet the needs of the fire department.

Police Protection

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

Findings and Conclusions. The applicant has provided a completed copy of the Police Services Review as signed by the Troutdale Police Department. (See Police Provider Form, Appendix C). The City of Troutdale Police Chief determined that there is adequate local police protection in accordance with the City of Troutdale standards in providing police

Hearings Officer Decision
November 4, 1999

protection. The "level of police service available to serve the proposed project is adequate" according to the Chief of Police.

VII. APPLICATION TIME LINE

The application was received with full fees paid on September 9, 1999. On October 5, the staff determined that the application was complete. The Hearings Officer held the public hearing on October 20, 1999.

VIII. LIST OF EXHIBITS

List A: Staff/ Applicant Exhibits:

1. Applicant site plan (reduced copy), entitled "WPCF Overall Site Plan".
2. Applicant erosion control plan (reduced copy), entitled, "WPCF Erosion Control Plan".
3. Reduced copy of applicant wetland delineation map.
4. Activated sludge treatment diagram.
5. Wastewater treatment process diagram.
6. Photograph of the site (Photo #1), submitted by the applicant.
7. Zoning map of the subject parcels and the area, submitted by the applicant.
8. "Comparison of Discharge Locations, Troutdale Predesign."
9. "Alternative 1A, Retain Existing Outfall."
10. Letter from Rich Faith, City of Troutdale Community Development Director, dated 9/2/99.

List B: Notification Information:

1. "Complete application" Letter, October 6, 1999, 3 pages.
2. Notice of Hearing, October 7, 1999, 4 pages.

List C: Multnomah County Documents

1. Staff Report – October 13, 1999

List H: Documents Submitted at October 20, 1999 Public Hearing

1. Affidavit of posting
2. Letter from East Multnomah Soil and Water Conservation District

IT IS SO ORDERED, THIS 4TH DAY OF November, 1999

Deniece B. Won, Hearings Officer

Hearings Officer Decision
November 4, 1999

