

## MEMORANDUM

TO: Hearing Officer  
Land Use Planning, Multnomah County  
Applicant, Portland Water Bureau

CC: Rick Buen, Engineer, Multnomah County Transportation

FROM: Graham Martin, Senior Planner (email: [row.permits@multco.us](mailto:row.permits@multco.us))  
Jessica Berry, Transportation Division Deputy Director

DATE: June 14, 2023

ADDRESS: No situs SE Carpenter Ln (R994220980)  
No situs SE Carpenter Ln (R994220820)  
35227 SE Carpenter Ln (R994220850)  
35319 SE Carpenter Ln (R994220620)  
33304 SE Lusted Rd (R994210630)  
Pipelines in County Road segments:

- SE Dodge Park Blvd from SE Cottrell Rd to east of SE Altman Rd
- SE Altman Rd from Lusted Rd to SE Oxbow
- SE Cottrell Rd from SE Dodge Park Blvd to SE Lusted Rd
- SE Lusted Rd from the Intertie Site (R994210630) to SE Altman Rd

**SUBJECT: Portland Water Bureau water filtration plant and associated pipeline infrastructure**

Ref. Nos. EP-2023-16844 (Multnomah County Transportation)  
T3-2022-16220 (Multnomah County Land Use)

Multnomah County Transportation Planning and Development has reviewed the above referenced application and provides the following comments.

The comments provided in this memorandum are based on the information provided to County Transportation. While every effort has been made to identify all related standards and issues, additional issues may arise and other standards not listed may become applicable as more information becomes available.

**County Transportation Standards:**

- Road Rules (MCRR): <https://www.multco.us/file/70143/download>
- Design & Construction Manual (DCM): <https://multco.us/file/16499/download>

**PROPOSAL**

Portland Water Bureau proposes a treatment plant, raw and distribution water lines, and communications tower in the general vicinity of SE Dodge Park Road and SE Cottrell Road. The applicant has submitted three land use applications related to this proposal. These include:

- T3-2022-16220 - Portland Water Bureau proposes to build a drinking water filtration facility and communications tower located at the eastern end of SE Carpenter Road with raw and finished water pipelines connecting to the existing Bull Run conduit system.
- T1-2023-16571 – Erosion and Sediment Control permit
- T1-2023-16600 – Type I Lot Consolidation Review to consolidate tax lots 100 (R994220820) and 400 (R994220980) into a single parcel.

The subject properties have frontage on three roads:

**Main filtration plant site**

- SE Carpenter Ln, classified as a Rural Local Road, in Multnomah County jurisdiction.
- SE Dodge Park Blvd, classified as a Rural Collector Road.
- SE Cottrell Rd, Rural Local Road (off-site)

**Intertie Site**

- SE Lusted Rd, classified as a Rural Collector Road, in Multnomah County jurisdiction

**Pipeline segments within County Right of Way (ROW) (herein referred to as Pipelines).**

- SE Dodge Park Blvd from SE Cottrell Rd to east of SE Altman Rd
- SE Altman Rd from Lusted Rd to SE Oxbow
- SE Cottrell Rd from SE Dodge Park Blvd to SE Lusted Rd
- SE Lusted Rd from the Intertie Site (R994210630) to SE Altman Rd

**N.B.** This is a summary project description. The full project description can be found in the Land Use staff report.

## COUNTY TRANSPORTATION CONDITIONS OF APPROVAL

**Should the Hearings Officer be minded to approve the Land Use application ref: T3-2022-16220, County Transportation requests the inclusion of the following conditions of approval:**

1. Pursuant to MCRR 5.200, the County Engineer determination of pro-rata share of improvements will expire twelve months from the date of the County Engineer's determination or after the associated land use permit is granted or closed. If expired, a review process and new determination will be required.
2. Applicant is required to permanently close the western access to SE Carpenter Ln, which is shown as 'existing access road with easement' on plan set Exhibit A.212. This second access from the subject property (R994220980) exceeds the one access per property standard (MCRR 4.200) and no Road Rules Variance application (MCRR 16.000) was sought by the applicant.
3. Complete and record right of way (ROW) dedications to meet the share of the 60 feet ROW width standard for Rural Local roads (MCRR 6.100A; MCDCM Table 2.2.5):
  - a. 15 feet on the northern (SE Carpenter Ln) frontage of the subject property for the Filtration site (ref R994220980);
  - b. 15 feet on the southern frontage of 35227 SE Carpenter Ln (R994220850);
  - c. 10 feet on the southern frontage of 35319 SE Carpenter Ln (R994220620).
  - d. The above dedications can be included in any re-plat of the property or by contacting Pat Hinds, County ROW Specialist, Pat Hinds (patrick.j.hinds@multco.us), to complete the ROW dedication process.
4. Pursuant to MCRR 6.100D, Applicant will be required to submit a Transportation Demand Management (TDM) Plan prior to start of construction. The plan will identify person/people responsible for coordinating demand reduction strategies (carpooling, offset arrival times, incentive program, etc), when the strategies will be deployed, and how the strategies will be measured for impact. Applicant will provide progress reports to the County every 6 months during the construction of the facility. If traffic volumes exceed overall recommended volumes entering the site, applicant will develop new strategies.
5. Prior to construction in the Right of Way (ROW), obtain Construction permit (MCRR 9.200, 18.200) for:
  - a. All frontage/ road improvements of SE Carpenter Ln and SE Cottrell Rd consistent with the preliminary Civil Plan set, Exhibit A.16, A.17 (MCRR 6.100B; MCRR 8.000).
    - i. applicant must ensure that all geologic hazard and environmental overlay permits from County Land Use have also been obtained, if applicable;

- b. All roads requiring full or partial road work due to pipeline installation:
    - i. SE Dodge Park Blvd from SE Cottrell Rd to east of SE Altman Rd
    - ii. SE Altman Rd from SE Lusted Rd to SE Oxbow Rd
    - iii. SE Cottrell Rd from SE Dodge Park Blvd to SE Lusted Rd
    - iv. SE Lusted Rd from the Intertie Site to SE Altman Rd
  - c. All roads requiring preliminary or ongoing maintenance due to projected use:
    - i. SE Altman Rd from SE Oxbow Drive and Dodge Park Road
    - ii. SE Cottrell Rd from SE Lusted Road and SE Dodge Park Road
    - iii. SE Lusted Rd from SE Altman Road and SE Cottrell Road
    - iv. SE Hosner Rd from SE Lusted Road and SE Oxbow Parkway
    - v. SE Lusted Rd from SE Altman Road to SE Pleasant Home Rd
6. To ensure that the transportation network maintains a condition that is safe, does not create a safety hazard for the traveling public, nor creates an on-going maintenance problem, the applicant will be required to maintain roads affected by Pipelines construction and detour routes. Pursuant to MCRR 9.500, a Project Agreement is required between the applicant and the County to establish the maintenance of roads during construction of the Filtration Plant. The agreement shall include and address the following:
- a. Identify and outline project phasing as well as how all road closures and detour routes will be maintained during the construction period.
  - b. Applicant will be required to return the road(s) to as good or better condition at the end of the Construction period and prior to the Certificate of Occupancy of the Filtration Plant facility.
7. Temporary road closures, partial or complete, in relation to the construction of the Pipelines and facilities that form this land use application, will require prior review and approval by County Transportation (MCRR 13.000). Applications will need to be submitted to [row.permits@multco.us](mailto:row.permits@multco.us) for review and approval by County Engineer (MCRR 18.250). Application requirements and documents can be found at the following webpage: <https://www.multco.us/roads/road-and-bridge-permit-applications>.
- a. Traffic Control Plan (TCP) shall be submitted during the Construction Permitting process that shows detours and road closures. Any deviation to the approved TCP during construction shall require a resubmittal of the TCP for approval.
  - b. All roads identified on the approved TCP as part of the construction area, whether as a detour and/or road closure, should be evaluated for mitigation for serviceability during and after construction. The process for this will be outlined in the Project Agreement (see condition 6).

- c. TCP(s) must demonstrate consultation/engagement with Agricultural businesses and School Districts, as recommended in the Construction TIA (Exhibit A.230) to ensure impacts on the local transportation network are known in advance and/or adequately mitigated.
  - d. Rural roads with a Pavement Condition Index (PCI) rating below 50 must not be used as detour routes in the Traffic Control Plan unless the applicant submits construction plans to mitigate impacts and improve the PCI. The Construction Permit process (see condition 5 above) will be used to review TCP and confirm appropriate detour routes.
8. Pursuant to MCRR 15.000 and ORS 810.040, the applicant is required to obtain Over-Dimension Permits for all truck movements through Multnomah County which exceed the legal limit and weight specified by Oregon Department of Transportation (ODOT): (<https://www.oregon.gov/odot/mct/pages/over-dimension.aspx>).
- a. Proposed truck routes are provided by ODOT to County Transportation to ensure consistency with County road restrictions and requirements.
  - b. Pursuant to MCRR 15.200 and 15.300, the County may restrict truck movements as authorized under State and Federal law on all roads established as arterials and collectors, and also restrict through truck movements on other road classifications, bridges, culverts, overpasses and underpasses, which may not accommodate larger vehicles.
  - c. County restrictions within the project vicinity include, but are not limited to:
    - i. No through trucks on SE Carpenter Ln from SE 327<sup>th</sup> Ave to the Filtration Plant site.
    - ii. No through trucks on SE Miller Rd from SE Bluff Rd to SE 327<sup>th</sup> Ave.
    - iii. No through trucks on SE Homan Rd.
    - iv. No through trucks on SE Oxbow Parkway.
    - v. No through trucks on SE Stone Rd and SE Short Rd between US26 and SE Dodge Park Blvd.
    - vi. S Buxton Rd and S Troutdale Rd are limited to trucks 40ft overall length.
9. Applicant is required to submit and obtain an Access / Encroachment Permit for the following accesses pursuant to MCRR 18.250:

- a. Filtration plant site: Exhibit A.211, A.212 00-LU-302 sheet 4 of 18 proposed condition site plan showing a new reconfigured access onto SE Carpenter Ln, after the 100% plans have been approved by the County as part of the Construction Permit.
    - i. Revised site plan must be submitted showing permanent closure of the as 'existing access road with easement', consistent with Condition 2 above.
    - ii. Revised site plan must show the main site access as perpendicular to SE Carpenter Ln (between 75-90 degrees) where it connects to the paved roadway to ensure consistency Land Use code MCC 39.6580.
  - b. Intertie site (R994210630):
    - i. Applicant is required to provide a site plan showing all four subject property accesses (three to SE Lusted Rd and one to SE Dodge Park Blvd), pursuant to approved Land Use Decision and Transportation Planning Review (EP-2016-5112/T2-2016-5020) and MCRR 4.700 (Existing Non-Conforming Access).
    - ii. Applicant must provide copy of easements for PWB access from the subject property to SE Lusted Rd and SE Dodge Park Blvd.
    - iii. Access to the Intertie Facility at 33304 SE Lusted Rd (R994210630) will be limited to the existing northeast driveway access onto SE Lusted Rd.
    - iv. Maintenance access to the Pipelines on the property must use the northeast access as noted in 9(b)iii above. Access via SE Dodge Park Blvd is prohibited for PWB use.
    - v. The northeast access to SE Lusted Rd, serving the principal access to the Intertie facility, must have a paved apron 20 feet deep from the existing roadway towards the property line consistent with ODOT standard drawing RD715, to prevent erosion of the existing roadway surface on SE Lusted Road in accordance with MCDCM 2.1.1(4).
    - vi. Application forms, and guidance, can be found on the County Transportation website at the following webpage: <https://www.multco.us/roads/road-and-bridge-permit-applications>. Applications should be submitted to [row.permits@multco.us](mailto:row.permits@multco.us)
10. Provide revised drawings and documentation that demonstrate the stormwater details of the following plans, reports and details obtain County Engineer 100% design approval (MCRR 26.000):

- a. SE Carpenter Ln, from SE Cottrell Rd to Filtration Plant site, and SE Cottrell Rd, from the intersection with SE Carpenter Ln to SE Dodge Park Blvd (Exhibits A.206-A.208).
- b. Ensure the discharge from the culvert from the Intertie site under SE Lusted Rd into Beaver Creek will not increase stormwater discharge volume at the outfall or downstream. Though the peak rates are comparable between the pre and the post development, the released discharge is a much greater volume. Ensure that the volume released does not create undue concentration of outflows that may affect downstream properties starting at the release point of any facility such as pipe, culvert and ditch.
- c. Further to the identified stormwater improvements in conjunction with the Land Use approval and the required Construction Permit(s) [see condition 5 above], County Engineer requires review and approval of any changes to on-site impervious surface areas greater than 500 sq. ft and any proposed stormwater discharge or facilities in the ROW for compliance with MCDCM standards [MCDCM 26.000].

## REVIEW OF TRANSPORTATION STANDARDS

Note for reader:

- County standards will be presented in **bold text**
- County comments will be presented in normal text after “**STAFF:**”

### MCRR 4.000 Access to County Roads

**MCRR 4.100 *Application for New or Reconfigured Access:*** Applicants for a new, altered or reconfigured access onto a road under County Jurisdiction are required to submit a site plan. Applicants may be required to provide all or some of the following:

- A. Traffic Study-completed by a registered traffic engineer;**
- B. Access Analysis-completed by a registered traffic engineer;**
- C. Sight Distance Certification from a registered traffic engineer; and**
- D. Other site-specific information requested by the County Engineer including a survey.**

**STAFF:** Site plans were included in the land use applications showing reconfigured access onto County roads. These include:

- Filtration plant site: Exhibit A.211, A.212 proposed condition site plan showing a new reconfigured access onto SE Carpenter Ln. This site plan was supplemented by a suite of other land use site plans as well as civil plan (plan set A.1c);
- Intertie site: Exhibit A.213, A.214 LU-500 Finished Water Intertie Site Plan showing access via an existing driveway which connects onto SE Lusted Rd.

The applicant included a Transportation Impact Assessment which includes Access analysis and Sight Distance certification (Exhibit A.30, A.31).

*Criterion met*

### **MCRR 4.200 *Number of Accesses Allowed:***

**Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property is the standard for approval pursuant to the Multnomah County Code. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system. If more than one access is desired, a land use application must be submitted in compliance with applicable Multnomah County Codes.**



**STAFF:**

**Filtration Plant Site:**

Exhibit A.211, A.212 proposed condition site plan shows the applicant's new reconfigured access onto SE Carpenter Ln, which will serve the main access to the facility. The plan also denotes that an existing easement, with access, onto SE Carpenter Ln will be retained. Consequently, as the applicant seeks to retain the easement with access in addition to the main facility access, an approved Road Rules Variance would be required (MCRR 16.000). The applicant did not submit a Road Rules Variance application. *Criterion met, as conditioned.*

**Intertie Site:**

Exhibit A.213, A.214 LU-500 Finished Water Intertie Site Plan showing access via an existing access road which connects onto SE Lusted Rd. The Intertie site and associated Pipelines are provided to PWB via easements granted by the underlying subject property owner. The subject property owner has an approved Land Use Decision and Transportation Planning Review (EP-2016-5112/T2-2016-5020) which enable the four subject property accesses (three to SE Lusted Rd and one to SE Dodge Park Blvd) to be allowed as Existing Non-Conforming Accesses (per MCRR 4.700). However, per the requirements of EP-2016-5112 and MCRR 4.700, the subject property owner/applicant is required to obtain driveway permits for those accesses. *Criterion met, as conditioned.*

**MCRR 4.300 Location:**

**All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.**

**STAFF:** Access spacing standards in the Multnomah County Design and Construction Manual (MCDCM) are based on the County road's functional classification. The MCDCM Section 1.2.4 defines access spacing standards based on different road classifications.

**Filtration Site**

Accesses within County jurisdiction are onto SE Carpenter Ln, a Rural Local Road. There are no spacing requirements for Rural Local Roads. *Criterion not applicable.*

**Intertie Site**

Accesses within County jurisdiction are onto SE Lusted Rd, a Rural Collector facility. Rural Collector roads have a spacing requirement of 98 feet between accesses. The existing access onto SE Lusted Rd has 65 feet of spacing with another access to the northeast. While this does not meet the standard, the existing access is an Existing Non-Conforming Access Existing Non-Conforming Accesses via prior land use decision EP-2016-5112 and MCRR 4.700. The applicant is required to obtain driveway permits for the accesses on the subject property. *Criterion met, as conditioned.*

**MCCR 4.400 Width:**

**Driveway, Private road and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.**

**STAFF:** Access widths defined in the MCDCM Section 1.2.4 are based on land use type, and include minimum and maximum driveway widths. MCDCM Table 1.2.4 sets out the following access width standards:

- Industrial uses: 20-39 feet.
- Agricultural uses: 20-35 feet.

**Filtration Plant site**

Exhibit A.211, A.212 proposed condition site plan shows the main access onto SE Carpenter Ln, once the ROW dedication is considered (see MCCR 6.100A below), as 39 feet. *Criterion Met.*

Exhibit A.211, A.212 proposed condition site plan shows an existing easement with access onto SE Carpenter Ln (western side) serving agricultural purposes and is approximately 16 feet wide. To retain this access and its existing width (below agricultural width standard), an approved Road Rules Variance would be required (MCCR 16.000). The applicant did not submit a Road Rules Variance application. *Criterion met, as conditioned.*

**Intertie site**

Exhibit A.213, A.214 Finished Water Intertie Site Plan shows the access onto SE Lusted Rd, which would be the primary access to a County road, is a 20-foot-wide existing agricultural access. This meets the minimum access width for agricultural/industrial uses. *Criterion Met.*

**MCCR 4.500 Sight Distance:**

**All new or altered access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.**

**STAFF:** Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's A Policy on Geometric Design of Highway and Streets.

**Filtration Plant site**

SE Carpenter Ln has a speed limit of 25 mph in the east and west bound directions. With a flat topography, AASHTO standards require 155 feet stopping sight distance and 180 intersection sight distance. The available sight distance from the access exceeds these minimum standards, as demonstrated in the submitted Traffic Impact Analysis (Exhibit A.30, A.31, table 3). *Criterion Met.*

**Intertie site**

SE Lusted Rd has a speed limit of 45 mph in the east and west bound directions. With a grade of 6% (maximum grade), AASHTO standards require 330-400 feet stopping sight distance and 500 feet intersection sight distance. The available sight distance from the access exceeds these minimum standards, as demonstrated in the submitted Traffic Impact Analysis (Exhibit A.30, A.31, table 4). *Criterion Met.*

**MCRR 5.000 Transportation Impact**

**MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:**

- A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or**
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.**

**STAFF:** To determine whether a proposal generates a Transportation Impact, the County can draw from the ITE's Trip Generation Manual or from a Transportation Impact study conducted and signed by an Oregon Professional Engineer. The applicant provided a Traffic Impact Analysis (TIA) for the built-out conditions of the proposed development (Exhibit A.30, A.31 [C.1], dated September 2, 2022) completed by a registered engineer in the state of Oregon (requirement B). *Criterion met.*

**MCRR 5.200 The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000. The County Engineer determination of pro-rata share of improvements will expire twelve months from the date of the County Engineer's determination or after the associated land use permit is granted or closed. If expired, a review process and new determination will be required.**

**STAFF:** This criterion establishes that the County will use the information from MCRR 5.100 to determine a pro-rata share of improvements, per MCRR 6.000, if there is a Transportation Impact (see MCRR 5.300 below). The applicant submitted sufficient information for the County to make a determination (see MCRR 5.100 above). Improvements are discussed in Section 6.000 below. *As conditioned, criterion met.*

**MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by**

**more than 10 trips in the peak hour shall be found to have a *Transportation Impact*. A minimum increase of 10 new trips per day is required to find a transportation impact.**

**STAFF:** This criterion sets out that a Transportation Impact will be generated if the proposal generates trips according to one, or more, of the three qualifying criteria:

- by more than 20 percent,
- by more than 100 trips per day; or
- by more than 10 trips in the peak hour

The applicant provided a Traffic Impact Analysis (TIA) for the built-out conditions of the proposed development (Exhibit A.30, A.31, dated September 2, 2022). Table 5 shows 124 total site generated trips per day, with 32 trips in the morning peak hour and 32 trips in the evening peak hour.

*As the site generated trips will increase by more than 20 percent, exceed 100 trips per day, and exceed 10 trips in the Peak AM and PM hours, the proposal is found to have a Transportation Impact.*

### **Construction Traffic**

The applicant provided a Traffic Impact Analysis (TIA) for the construction phase(s) of the proposed development (Exhibit A.230). Table 2 provides an overall summary of the average construction traffic trip generation. For the Filtration site on SE Carpenter Ln the average daily trips will be 270 commuters and 148 trucks. At the peak construction phasing, this will increase to 445 commuters and 295 trucks per day. For the Pipelines' construction, the average daily trips will be 85 commuters and 122 trucks. At the peak construction phasing, the average daily trips will be 130 commuters and 276 trucks.

In order to calculate peak hour trips for the above construction location (Filtration Plant and Pipelines), the traffic engineer made a 15% assumption, based on the 9 hour workday for construction.

Table 3 provides a breakdown of the AM and PM Peak Hour construction traffic trips, 'average' construction period, between the filtration facility and pipeline construction and whether the traffic is trucks or commuters.

- AM Peak hour trips include:
  - the Carpenter Ln filtration site: 270 commuters entering and 0 exiting and 23 trucks entering and exiting resulting in 316 trips.
  - Pipelines: 85 commuters entering and 0 exiting and 19 trucks entering and exiting resulting in 123 trips.
  - Total AM Peak Hour construction traffic during 'average' construction will be 439 trips.
- PM Peak hour trips include:

- the Carpenter Ln filtration site: 0 commuters entering and 270 exiting and 23 trucks entering and exiting resulting in 316 trips.
- Pipelines: 0 commuters entering and 85 exiting and 19 trucks entering and exiting resulting in 123 trips.
- Total PM Peak Hour construction traffic during 'average' construction will be 439 trips.

Table 4 provides a breakdown of the AM and PM Peak Hour construction traffic trips, during Peak construction, between the filtration facility and pipeline construction and whether the traffic is trucks or commuters.

- AM Peak hour trips include:
  - the Carpenter Ln filtration site: 445 commuters entering and 0 exiting and 45 trucks entering and exiting resulting in 535 trips.
  - Pipelines: 130 commuters entering and 0 exiting and 42 trucks entering and exiting resulting in 214 trips.
  - Total AM Peak Hour construction traffic at peak construction will be 748 trips.
- PM Peak hour trips include:
  - the Carpenter Ln filtration site: 0 commuters entering and 445 exiting and 45 trucks entering and exiting resulting in 535 trips.
  - Pipelines: 0 commuters entering and 130 exiting and 42 trucks entering and exiting resulting in 214 trips.
  - Total PM Peak Hour construction traffic at peak construction will be 748 trips.

*As the site generated trips during both average and peak construction periods will exceed 100 trips per day, and exceed 10 trips in the Peak AM and PM hours, the construction traffic (trucks and construction workers (commuters) is found to have a Transportation Impact.*

## **MCRR 6.000 Improvement Requirements**

**MCRR 6.100 Site Development:** All subject parties with respect to any property proposed for development, including but not limited to the owner of the site and the applicant (if different than the owner), will be responsible for improvements to the right-of-way for any said development of the property which is found to cause a Transportation Impact, those improvements shall include:

- A. Dedication of Right of Way Requirement:** The subject parties are responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.

**STAFF:** Criterion A establishes that, where there is a Transportation Impact, and the ROW width is below the County Standard according to its road classification, that applicants may be required to dedicate ROW.

**Filtration Plant Site:**

The County standard right of way width for a Rural Local road facility is 60 feet (Table 2.2.5 in MDCM). SE Carpenter Ln, a Rural Local road, is 30 feet wide at the subject property frontage (R994220620).

The applicant will be required to dedicate 15 feet ROW on the southern frontage of SE Carpenter Ln to meet the proportionate share of meeting the ROW width standard. The applicant will also be required to dedicate 15 feet of ROW on the southern property frontage of 35227 SE Carpenter Ln (R994220850) and 10 feet on the southern property frontage of 35319 SE Carpenter Ln (R994220620).

*Criterion met, as conditioned.*

**B. Frontage Improvement Requirements: Frontage Improvement Requirements: In addition to easement and right-of-way dedication requirements, a prorata share may include half-street improvements along all of the site's County Road frontage(s). Right of Way improvements shall satisfy the standards of the County Design and Construction Manual based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of Design Review or any other development permit related to the proposal. Half-street improvements can include all of the following:**

- a. Street widening/improvement**
- b. Utility cut restoration**
- c. Curb and sidewalk**
- d. Driveway relocation/replacement/removal**
- e. Traffic controls**
- f. Drainage facilities**
- g. Lighting facilities**
- h. Bicycle facilities**
- i. Signal conduit facilities**
- j. Street trees**
- k. Other appropriate facility or right of way requirements as required by applicable statutes, codes and regulations.**

**STAFF:** Criterion B establishes that, where there is a Transportation Impact, pro-rata share of frontage improvements may be required to meet County Design and Construction Manual standards.

As established in 5.300 above, the proposal results in a Transportation Impact. Right of way improvements are required to mitigate the impacts of the Transportation Impact generated by the proposed development. Drainage improvements are required to mitigate the impacts of the proposed development's impervious surface as well as from the roadway that serves it. Without drainage improvements, run-off could negatively impact the roadway system.

**Filtration Plant site: SE Carpenter Ln frontage improvements**

Exhibit A.211, A.212 proposed condition site plan shows the proposed improvements at the subject property frontage (R994220620). The improvements to the roadway from 18 feet (see to 24 feet wide meets County Transportation standards for Rural Local road (MCDCM Table 2.2.5). After land use approval, and prior to construction, applicant/developer will be required to apply for a Construction Permit (MCRR 9.200) to ensure plans and cross-sections meet County Engineer 100% design approval. *Criterion met, as conditioned.*

**Intertie site: SE Lusted Rd improvements**

SE Lusted Rd is a Rural Collector road with a paved roadway 21 feet wide. MCDCM Table 2.2.5 requires roadway widths to be a minimum of 21 feet wide. No frontage improvements to the paved roadway are required. *Criterion met*

- C. Required Submissions by Subject Parties. Subject parties shall submit to the County Engineer the following: engineered plans, traffic studies, traffic analysis, reports, surveys or similar documents as requested or required by the County Engineer under this Subsection 6.100 or as may additionally be required under Section 18.**

**STAFF:** Applicant has submitted sufficient built-out conditions information in order to provide these findings and conditions (see Exhibit A.30.A.31). Applicant was requested to provide construction traffic information and analysis for County Transportation review. This was submitted for review on 5/9/23 (Exhibits A.226, A227) and further updated on 6/6/23 (Exhibit A.230). Sufficient information was provided for County Transportation to write findings and conditions. *Criterion met, as conditioned.*

- D. Transportation Demand Management Options that address strategies to reduce travel demand generated by the proposed development.**

**STAFF:** County Transportation supports initiatives which reduce the need for private car trips, especially within urban areas of the County. The applicant's TIA states Group educational tours will arrive and leave using a tour van or bus (Exhibit A.30-A31, pg. 19). This reference was later

retracted by the applicant, as it is not consistent with Land Use code in rural areas of the County (see Exhibit A.163). The County requested that applicant provide construction traffic information and analysis for County Transportation review. This was submitted for review on 6/6/23 (Exhibit A.230).

The Construction TIA includes the following mitigation measures to reduce the demand for vehicles accessing the site:

- Direct half of the commuter traffic to use Access B, which will redirect traffic from Dodge Park Blvd to SE Bluff Road at various intersections west of the project sites. Because of the ample capacity on all study area roadways, detouring half of the construction commuter vehicles to SE Bluff Road will not create operational or capacity issues. The detailed analysis results and mitigations volumes figures are available in Appendix E.
- Provide a commuter shuttle.
- Offset commuter arrivals to the Filtration Facility.
- Develop a rideshare program.
- Develop an incentive program to encourage carpooling.

To ensure that TDM mitigation measures adequately reduce traffic demand, the Applicant will need to provide County Transportation with a report outlining each of the mitigation measures and how these will reduce commuter traffic to/from the construction locations. Prior to the start of construction, the is required to:

- Identify a Transportation Coordinator, or coordinators, who will implement the TDM program
- Clarify shuttle(s) start and end locations
- Clarify Rideshare program components (including incentives)
- Provide Start and End times for shifts (to address offset commuter arrivals)
- Every 6 months for the duration of the construction project, provide to the County a summary of the program. If strategies to reduce demand are not working, applicant will need to implement additional strategies.

*Criterion met, as conditioned.*

## **MCRR 8.000 Off-Site Improvement Requirements**

**8.100 It is County policy to require off-site improvements as a condition of a site development permit to satisfy safety requirements, development created capacity needs, County road maintenance requirements, Uniform Fire Code requirements, ADA requirements and other public service requirements, and to protect the public from the detrimental effects of a proposed development.**

**The most common applications of these requirements are:**



- A. Connecting street sections which do not abut the development.**
- 1. A land division creating a public road shall be responsible for the cost of constructing a continuous, standard County road to a connection with the nearest publicly maintained road.**
  - 2. Any development utilizing a local access road must provide a road that conforms to the requirements of the Design and Construction Manual from their frontage improvement to the nearest publicly maintained road.**
  - 3. Any land development which has been determined to be responsible for the dedication of a half-street right-of-way and is required to improve the street as a condition of approval, must acquire/provide additional right-of-way or easement, or an acceptable modified street design, in order to provide a two-way paved road, approved by the County and the fire district, across the frontage and to a connection with a publicly maintained road.**
- B. Multiple unit developments, subdivisions, and high pedestrian or traffic generators may be required to provide additional travel lanes, left auxiliary lanes, sidewalks or other pedestrian facilities, and/or signalization on off-site facilities. Improvement requirements will be based upon the additional traffic generated by the development that result in conditions that exceed the design capacity of the facility, create a safety hazard or create an on-going maintenance problem.**

**STAFF:** The criteria set out in MCRR 8.000 establish that off-site improvements are required when the impact of a proposed development necessitates mitigation for the public health, safety and welfare of the traveling public; MCRR 8.000 applies to the applicant in the following manner:

**Filtration Plant site: SE Carpenter Ln and SE Cottrell Rd improvements**

Civil Plans provided by the applicant (Exhibit A.16-A.17) show proposed improvements to:

- SE Carpenter Ln from west of the site frontage to the intersection of SE Cottrell Rd; and
- SE Cottrell Rd from the intersection with SE Carpenter Ln to SE Dodge Park Blvd.

The improvements to the roadway from 18 feet (see Exhibit A.16-A.17) to 24 feet wide (see Exhibit A.16-A.17 plans) meets County Transportation standards for Rural Local facilities (MCDCM Table 2.2.5). Exhibit A.16-A.17 plans stormwater management plan provide sufficient detail for planning stages.

After land use approval, and prior to construction, applicant/developer will be required to apply for a Construction Permit (MCRR 9.200) to ensure plans and cross-sections meet County Engineer 100% design approval.

*Criterion met, as conditioned.*

#### **Intersections in the ‘impact study area’**

The applicant’s TIS (Exhibit A.30-A.31) provided analysis of existing and projected traffic through 11 intersections, which had been deemed an appropriate area of study by County Transportation prior to application submittal (PA-2022-15566 transportation comments). Table 6: Intersection Performance Summary showing existing (2022) and projected background (no build) conditions, based on a 2% growth rate, shows that all intersections in the study area perform at Level of Service (LOS) A or B. Table 7 provides the forecasted scenario for the 2040 buildout conditions of the Filtration Plant and its associated staffing, delivery and other associated traffic. Again, none of the intersections LOS is below ‘B’. The applicant provided Warrant analyses for turn lanes and signals. Rural road intersections that drop below LOS C may require improvements such as provision of turn lanes and/or signalization, per the MCDCM. For buildout conditions, County Transportation Engineer concurs with the applicant’s findings that no left turn lanes or signals are warranted.

*Criterion met, as conditioned.*

#### **Intertie site: SE Lusted Rd access improvements**

County Transportation seeks to preserve roadway asset condition. Gravel accesses onto paved roadway surfaces can cause deterioration to the condition of the paved surfaced. Consequently, County Transportation requires applicants to improve accesses with increased traffic from gravel to a paved apron to prevent erosion. Applicant will be required to pave the apron from the access nearest to the Intertie site onto SE Lusted Rd from the property line to the roadway surface.

*Criterion met, as conditioned.*

#### **Pipeline Construction in County ROW**

All proposed pipeline work, and associated appurtenances etc, within the ROW will require review and approval by County Transportation Engineer through the Construction Permit Process (see MCRR 9.200 below). The Construction TIS (Exhibit A.230) shows the pipeline construction will be on the following roads:

- SE Dodge Park Blvd from SE Cottrell Rd to east of SE Altman Rd
- SE Altman Rd from SE Lusted Rd to SE Oxbow Rd
- SE Cottrell Rd from SE Dodge Park Blvd to SE Lusted Rd
- SE Lusted Rd from the Intertie Site to SE Altman Rd

The applicant has provided maps of the construction locations as well as the estimated closures times (Exhibit A.230). Closures (full or partial) are between 2 and 17 months and are staggered so that detour routes can be maintained during the construction.

- Dodge Park Blvd. (Altman Rd. to 1,500 feet east of Cottrell Rd.)
- Altman Rd. (Lusted Rd. to Oxbow Dr.)
- Lusted Rd. Upper, C2 & C4 (Altman Rd. to 2,000 feet east of Altman Rd.)
- Cottrell Rd. (Dodge Park Blvd. to Lusted Rd.)
- Lusted Rd. Lower, Multnomah Connection C2 & C4 (just NW of county line)
- Lusted Rd. Lower, Multnomah Connection C3 (just NW of county line)
- Lusted Rd. Upper, C3 (just west of Altman Rd. to 2,000 feet east of Altman Rd.)

After land use approval, and prior to construction, applicant/developer will be required to apply for a Construction Permit (MCRR 9.200) to ensure plans meet County Engineer approval.

*Criterion met, as conditioned*

### **Construction traffic impacts road maintenance mitigation**

Notwithstanding the improvements listed above, County Transportation requires the applicant to make further offsite improvements than included in the Land Use application/Hearing record pursuant to 8.100 B (and MCRR 13.200, see below). In particular, the maintenance and condition of the road pavement is of primary concern to the County Engineer. As the construction phasing of the development(s) are high traffic generators, County Transportation will require improvements and requirements to ensure that the transportation network maintains safe conditions, does not create a safety hazard for the traveling public, nor creates an on-going maintenance problem.

County Transportation has target PCI condition based on road classification. These include:

- Rural Arterial to have a PCI of 70 or above;
- Rural Collectors to have a PCI of 70 or above;
- Rural Local roads to have a PCI of 50 or above.

Several roads fall below the County's target condition. Some rural local roads are in such poor condition that they are close to requiring restoration and/or full repair. These include SE Altman Rd (PCI, 20.06); SE Carpenter Ln (PCI, 22.48); and SE Pipeline Rd (PCI, 27.83).

In the applicant's construction TIS (Exhibit A.230), mitigation is proposed to maintain the serviceability of the roads to support traffic during construction:

- SE Altman Rd – between SE Oxbow Dr and Dodge Park Blvd
- SE Cottrell Rd – between SE Lusted Road and SE Dodge Park Blvd
- SE Lusted Rd – between SE Altman Road and SE Cottrell Rd
- SE Hosner Rd – between SE Lusted Road and SE Oxbow Dr

These roads have been identified as detour routes for construction vehicles during the project and will be required to be in as good or better condition at the end of project construction. The applicant will be required to submit a Traffic Control Plan as part of the Construction Permit. All roads identified on the approved TCP as part of the construction whether as a detour and/or road closure should be evaluated for mitigation for serviceability during and after construction. Roads with PCI below 50 cannot be used for detour routes. Any roads that cannot be brought to a serviceable standard cannot be used for construction detour routes. Final determination of routes will be required as part of the Traffic Control Plan.

County Transportation will require the applicant to enter into a Project Agreement (see MCRR 9.200) to evaluate and agree to timing and type of improvements in order to maintain serviceability. Improvement of the roads with redirected traffic to the minimum PCI for the road classification. The Project Agreement is to ensure that County is not liable for the improvement or maintenance of its assets that have been deteriorated by the construction traffic of the proposal and its associated infrastructure.

#### **Construction traffic impacts Level of Service (LOS) mitigation**

- Applicant must provide evidence from property owners and Clackamas County that access to the south of the filtration site is feasible for the levels of construction traffic identified in the construction TIS (Exhibit A.230). The applicant will be required to engage all Transportation Demand Management measures required per MCRR 6.100 above and as noted in the TIS (Exhibit A.230) so that traffic volumes do not exceed LOS (C).
- A final temporary traffic control plan will be reviewed thoroughly during the construction permit process and the traffic flow may be different from the information presented in the Traffic Impact Analysis Exhibit A.230 and may warrant additional mitigation measures.
- A project agreement will be required per MCRR 9.500 between Portland Water Bureau (Applicant) and the County to establish the maintenance of roads during construction of the Filtration Plant and associated infrastructure, including Pipelines: to outline the phasing, improvement requirements, and method for working with schools, agricultural businesses and any additional large development projects (e.g. possible Gresham development(s)) within the project area.

*Criterion met, as conditioned.*

## **MCCR 9.000 Compliance Method**

**9.100 Once frontage or off-site improvement requirements have been established, one or any combination of the following methods must be used to satisfy those requirements:**

**9.200 Construction Permit: Property owner/developer must obtain a County Permit under Section 18 to construct any of the required improvements.**

**9.300 Payment in-lieu-of Construction: County may at its discretion authorize payment in lieu rather than construction of improvements if the County determines that there is a benefit to the public in delaying the construction of the development-related improvements or combining the improvements with a larger County project. In lieu of construction by the property owner, the County Engineer may require a cash payment in order to satisfy improvement requirements established as a condition of a development permit. Payment will be administered through a Payment in-Lieu-of Construction Agreement, as described in section 18.225 of these rules.**

**9.400 Non-Remonstrance Agreement: This agreement shall be recorded in the County's Deed Records against the affected property and "runs with the land", thereby obligating the property owner and any successors in interest to share in the cost of the necessary improvements and to not remonstrate (object) against a petition or resolution for necessary improvements. In approving this method, the County Engineer may require a temporary improvement appropriate to the circumstances.**

**9.500 Project Agreement: The County, the developer and the property owner execute a written agreement to share the costs of design and construction of a road project consistent with any applicable laws and regulations. The agreement shall identify the roles and responsibilities of the parties and must be signed by both the County Engineer and the developer and all property owners.**

**STAFF:** This criterion sets out the methods the County can use to ensure applicants comply with the County's transportation requirements. These methods may include one or more of the following: construction permit (9.200); payment in-lieu of construction (9.300); entering a non-remonstrance agreement (9.400) and/or a project agreement (9.500).

As noted in the findings for MCCR 6.100(B) and MCCR 8.000, the applicant's proposal generates a Transportation Impact and thus must comply with their pro-rata share of the frontage improvements along SE Carpenter Rd. The applicant also shows proposed off-site (non-frontage) improvements to SE Carpenter Ln and SE Cottrell Rd (see MCCR 8.000 above). The County requires the applicant to apply for a construction permit (MCCR 9.200) to ensure compliance with the Design and Construction Manual's standards. The applicant will also be required to enter into Project Agreement (MCCR 9.500) to ensure that the required off-site improvements, including meeting any maintenance and grading requirements during the

construction period, are met (see MCRR 8.100 B above). The Project Agreement is to ensure that County is not liable for the improvement or maintenance of its assets that have been deteriorated by the construction traffic of the proposal and its associated infrastructure.

*Criterion met, as conditioned.*

## **10.000 Corridor Specific Cross-Section Overlay**

**10.100** In addition to a set of standard cross-sections set forth in the Design and Construction Manual at Section 2.2 (2000), the County may develop a corridor specific cross-section overlay design for all or a portion of a County Road, but only in the following circumstances:

- A. topographical, environmental or other constraint makes it unfeasible or undesirable to construct a typical cross-section within the corridor;**
- B. The set of land uses within the corridor will be best served by a non-standard cross-section;**
- C. The corridor is identified as a suitable location for a cross-section pilot project, such as a Green Street design;**
- D. The corridor is identified as a Boulevard in the Regional Transportation Plan; or**
- E. The corridor is identified as a freight route in the Regional Transportation Plan or other adopted plan, or the route serves industrial or manufacturing uses that generate a high percentage of freight traffic.**

**10.200** A corridor specific cross-section overlay design as allowed under this Section for a County Road, must be developed in cooperation with any cities through which the road passes and adopted by the Board. Once a cross-section overlay has been adopted, it will be used for all future improvements within the corridor, including developer-initiated improvements.

**STAFF:** Section 10 of the MCRR applies to Multnomah County roads with a designated cross-section overlay as described in subsections A through E above.

The proposed development of the Filtration Plant site takes direct access from, and has frontage along, SE Carpenter Rd, a Rural Local road in unincorporated Multnomah County. SE Carpenter Rd does not have a designated corridor specific cross-section overlay. *Criterion is not applicable.*

The proposed development of the Intertie site takes access from, and has frontage along, SE Lusted Rd, a Rural Collector road in unincorporated Multnomah County. SE Carpenter Rd does not have a designated corridor specific cross-section overlay. *Criterion is not applicable.*

## **MCRR 11.000 Local Access Roads**

**11.100** *Improvement Requirements:*

- A. For any proposed development where access is to be through a Local Access Road and the development is found to have a Transportation Impact, the owner, applicant or other party responsible for the development (the “Developer”) shall be required to improve or cause to be improved the Local Access Road to standards as further provided in this Section.
- B. Right of way and or easement dedications shall be required where the existing right of way is of a substandard width or condition.
- C. The County Engineer may impose requirements for right of way improvements as necessary to address factors including but not limited to: traffic safety, traffic conditions, bicycle access, pedestrian access and vegetation.
- D. Developer shall make required improvements at the County Engineer’s request if the transportation impact warrants additional road improvements. Such additional improvements shall not extend beyond the nearest intersection with the publicly maintained road. Improvements will be constructed in a manner consistent with the standards provided in the Design and Construction Manual.
- E. All costs relating to Local Access Road improvements shall be borne by the Developer including all administrative and other costs incurred by the County including but not limited to the oversight, review, inspection, etc, with respect to design, installation, and construction of any improvements on any Local Access Road under County jurisdiction. County shall not begin any work under this Section unless and until an adequate deposit as determined by the County Engineer has been received by the County to cover these costs.
- F. Notwithstanding any required improvements or other installations done in the public right of way of a Local Access Road under this Section 11 of these Rules, the County does not maintain such Local Access Road.

**STAFF:** A local access road is a public road that is not a county road, state highway, or federal road. ORS 368.001(3). Pursuant to ORS 368.031(1), the County is not liable to maintain, repair or improve a local access road. In accordance with ORS 368.061(2), County funds shall only be spent in the case of an emergency, or if the County Road Official recommends the expenditures, the public use of the road justifies the proposed expenditure, and the County Board grants approval through order or resolution.

The proposed development is not located on any Local Access Roads. *Criterion not applicable.*

## **MCRR 12.000 Private Roads**

**12.100 Authority:** Private roads are not subject to the authority of the County Transportation regulations and rules. Authority over private roads belongs to the land use and planning jurisdiction where the private road is located.

**STAFF:** This criterion establishes that the County Transportation has no jurisdiction over private roads. Any encroachments on or over private roads are not subject to County Transportation standards. *Criterion is not applicable.*

## **MCRR 13.000 Temporary Road Closures**

**13.100 When Applicable:** A road is considered closed under this Section when all of its lanes are closed to through traffic for any extended period of time not less than one hour for the purposes of authorized road work as provided under these Rules. Temporary road closures for Special Events are not subject to this Section and are regulated under Section 21 of these Rules.

**13.200 The Closure of Road or Bridge under County Jurisdiction:** Upon receiving a request in writing to close the County road or bridge to perform work in the right of way, the County Engineer shall consider the request for the temporary closure as provided in this Section 13. If the proposed roadwork is authorized under these Rules, the County Engineer will review any request for temporary closure subject to the following considerations:

- A. Traffic safety during the closure, which may be satisfied by a traffic control plan accepted by the County Engineer;
- B. Access and circulation for impacted properties in the area during the closure;
- C. Maintenance considerations during the closure;
- D. Undesirable effects on impacted properties and any other circumstances that can be documented resulting from the closure;
- E. Availability of reasonable alternatives to complete closure, if the closure would cause undue interference or hardship with the public's use of the road;
- F. Receipt of a sufficient deposit to cover the County's administrative costs and costs of posting or publishing notice as required under these Rules;
- G. Emergency road repair; and
- H. Appropriate review and coordination with all other affected governments including but not limited to any City, Tri-Met or the State of Oregon.

**STAFF:** This criterion requires applicants to obtain permits for temporary road closures when all lanes of the road are closed to through traffic. The applicant is required to apply for Construction and/or ROW permits including Traffic Control Plans (TCP) for any closures within the ROW. Applicant is required to provide, as part of Project Agreement and TCPs for construction, when and for how long the full closures will last. All full closures will be required to allow access for local



residences, local agricultural and other businesses, and emergency vehicles. The TCPs will need to provide detail on consultation with agriculture businesses and school districts as noted in the Construction TIS (Exhibit A.230).

#### Agriculture Businesses:

Applicant will outreach to agriculture businesses throughout construction to ensure their access needs will be addressed. Farmer outreach will include the following information:

- Farmers will be notified ahead of time when increased deliveries of construction supplies are planned.
- Farm, residential, and business accesses necessary to be maintained during the construction process.
- Which larger agricultural equipment and heavy vehicles need to be facilitated.
- Construction schedules.
- Agricultural vehicle routes between sites.

#### Schools:

Applicant will take note of start and end times for schools in the project area when developing delivery schedules for transporting materials to avoid impacting the schools and creating delays due to construction traffic. Contractors will allot an additional 20 minutes before school starts in the morning and an additional 20 minutes before and after school ends in the afternoon to allow for school-related traffic to dissipate.

*Criterion met, as conditioned.*

### **MCRR 15.000 Truck and Transit Restrictions**

**15.100 Local Roads Restrictions: Through trucks of any size and transit vehicles are prohibited on local roads within the County's jurisdiction that are not arterials or collectors.**

**15.200 Truck/Transit Size Restrictions: The County Engineer may prohibit or regulate truck or transit movements as authorized under State and Federal law on all roads established as arterial and collectors.**

**15.300 Truck Routes: Consistent with State and Federal law, the County Engineer may designate through truck routes for movement of trucks in the County road system.**

**STAFF:** This criterion provides the County authority to regulate, restrict and prohibit truck and transit movements, according to certain road classifications within its jurisdiction. The criteria set out in section 15.000 are for the County to regulate roads within its jurisdiction. County Transportation maintains a map of routes with restrictions for trucks and oversized vehicles. It is normal process that any oversize trucks require a permit from Oregon Department of Transportation<sup>1</sup> prior to using road facilities. County Transportation reviews and approves/denies

---

<sup>1</sup> <https://www.oregon.gov/odot/mct/pages/over-dimension.aspx>

these requests on the basis of the roads with restrictions. It is not anticipated that any of the construction traffic will be using restricted roads. *Criterion met, as conditioned.*

### **MCRR 16.000 Road Rules Variance**

Multnomah County Road Rules provides for a variance from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval. [MCRR 16.000]

All requests for a variance to these Road Rules that are part of a development that requires approval of that development as a "land use decision" or "limited land use decision", as defined by ORS 197.015, shall be submitted at the time that application for the land use review is submitted to the applicable planning office having land use jurisdiction. The County Engineer's decision on the variance to these Road Rules shall not become effective until the date that the associated land use decision becomes effective.

In order to be granted a variance, the applicant must demonstrate that:

### **MCRR General Variance Criteria [MCRR 16.200]**

- A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;**
- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;**
- C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;**
- D. The circumstances of any hardship are not of the applicant's making.**

**STAFF:** Where a standard is not, or cannot be, met the applicant is required to apply for a Road Rules Variance. At the time of review, the applicant had not fully satisfied compliance with County Transportation standards (see MCRR 4.200 number of accesses and MCRR 4.400 Width, Filtration plant site).

The applicant did not submit a Road Rules Variance application. Consequently, the applicant must close an access at the Filtration Plant site to remain in compliance with the standard.

*County Transportation will require compliance with the one access per subject property standard, as a condition of approval.*

**MCRR 18.250 Access/Encroachment Permit:**

- A. An Access/ Encroachment Permit (A/E Permit) shall be required for the following activities within the right-of-way:**
- 1. New or altered access to roads under County jurisdiction. An access is considered altered when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of these rules;**
  - 2. New or reconstructed driveway approaches, private road approaches, curb cuts, or sidewalks;**
  - 3. Structures in the right-of-way, such as signs, posts, fences, flags, non-standard mailboxes, etc.; or**
  - 4. Any other minor physical alteration of the County right-of-way, including but not limited to any altered landscape design, vegetation planting or placement.**

**STAFF:** This criterion requires applicants to obtain right-of-way permit(s), for structures or alterations of accesses within the County's right-of-way. The applicant is proposing a reconfigured access onto SE Carpenter Rd (Filtration Plant site) and will use an existing, but unpermitted, access from the underlying subject property at 33304 SE Lusted Rd (Intertie Site). The applicant is required to apply for:

- a construction permit (MCRR 18.200); and an Access/Encroachment Permit (MCRR 18.250) for the new access onto SE Carpenter Rd (Filtration Plant site).
- an Access/Encroachment Permit (MCRR 18.250) for the ENCA access(es) at 33304 SE Lusted Rd (Intertie Site).

*Criterion met, as conditioned.*

**MCRR 26.000 Stormwater Management**

**MCRR 26.100 On-site management of stormwater is a priority for the County**

**MCRR 26.150 Applicants for a development or redevelopment that impacts impervious surface will be required to provide a Stormwater certificate and/or analysis showing method of and ability to retain Stormwater on site. Stormwater solutions must be consistent with Multnomah County Design and Construction Manual standards.**

**MCRR 26.200 Any development or redevelopment of a site which proposes Discharge of Stormwater onto County right of way is subject to Stormwater Discharge permit requirements outlined below, and must comply with drainage requirements identified in the Multnomah County Design and Construction Manual.**

**MCCR 26.300 Stormwater Discharge permit requirements: The County Engineer may allow drainage of Stormwater to County right of way when the following standards are met:**

- A. Applicant demonstrates that they are not able to meet the Discharge hierarchy of the Portland Stormwater Manual.**
- B. An Analysis conducted by a registered engineer shows that soil infiltration is not feasible.**
- C. A Drainage analysis is conducted by a registered engineer that ensures the storm sewer pipe/system can handle conveyance of a 25-year storm event or another storm event as identified by the County Engineer based on site/area/facility conditions.**
- D. Standards under Section 16.200 of these rules are addressed.**

**STAFF:** Multnomah County Transportation requires any stormwater feeding into the public ROW to be built to a 25-year storm event (Multnomah County Road Rules, 26.300, Stormwater Discharge permit requirements; Multnomah County Design and Construction Manual, 5.1.2 Water Quantity Design Standards).

The County must review any alteration of the existing storm water drainage for impacts to County ROW. Increased run-off to County right of way could negatively impact the County's roadways and stormwater system. In addition to MCDCM standards, the County currently refers to the Portland Stormwater Manual 2020 methodology<sup>2</sup> as a guideline but may have additional requirements depending on site conditions.

As part of the Land Use application, the applicant has provided the following stormwater documents:

- Exhibit A16-A.17 civil plans for SE Carpenter Ln and SE Cottrell Rd improvements. Stormwater Management is shown on 00-LU-205 stormwater management plan.
- Exhibit A.72, A.73 H.1 Filtration Facility Stormwater Drainage Report
- Exhibit A.74, A.75 H.2 Finished Water Intertie Stormwater Report
- Exhibit A.76, A.77 H.3 Pipelines Stormwater Report
- Exhibit A.78, A.79 H.4 Stormwater Drainage Control Certification
- Exhibit A.196, A.197, A.198, A.199 Attachment J.2 Stormwater Drainage Control Certificates (supersedes A.78/A.79)
- Exhibit A.203 Pipeline Drawing Sheets Civil Plans
- J.7c, Lu-503 Intertie Stormwater Plan
- Exhibit A.203 Pipeline Drawing Sheets Civil Plans
  - J.7c, Lu-503 Intertie Stormwater Plan
- Exhibit A.215 Bull Run Filtration Pipelines Stormwater Report Addendum

---

<sup>2</sup> <https://www.portland.gov/bes/stormwater/swmm>

In a clarification memo (Exhibit A.210, Feb 24, 2023), applicant notes that they will provide emergency overflow consistent with the Portland Stormwater Manual (SWMM, pg. 3-95) and will discharge to Beaver Creek via an existing culvert. The County Transportation Engineer requires the applicant to ensure the discharge from the culvert from the Intertie site under SE Lusted Rd into Beaver Creek will not increase stormwater discharge volume at the outfall or downstream. Though the peak rates are comparable between the pre and the post development, the released discharge is a much greater volume. Ensure that the volume released does not create undue concentration of outflows that may affect downstream properties starting at the release point of any facility such as pipe, culvert and ditch.

Further review of the stormwater reports, erosion control plans, and the grading and drainage plans will be conducted during the construction permitting process (see MCRR 9.200). This includes review of all existing and proposed stormwater receiving structures such as ditches, pipes, manholes, and catch basins to make sure that they are sized accordingly per the most recent Portland Stormwater Manual.

After land use approval, and prior to construction, applicant/developer will be required to apply for a Construction Permit (MCRR 9.200) to ensure plans and cross-sections meet County Engineer 100% design approval.

*Criterion met, as conditioned.*

## **PUBLIC COMMENTS**

Public testimony submitted to the Hearing record was reviewed by County Transportation (until the date of this memo) regarding traffic and the transportation network in its jurisdiction. Comments reflected:

### **Exhibit D.1 Fire District 10 Comments 1.03.2023**

Recommends denial of the application because the Fire District 10 (FD10) considers that construction, and built-out traffic will create hazardous conditions on County roads and that the proposal is not consistent with the County's Transportation System Plan (TSP). FD10 provides a number of extracts from County documents, including email exchanges with former Transportation Maintenance manager about resources and funding issues leading to difficulties to carry out maintenance and maintain the County's levels of service and pavement condition indexes (PCI) for roads within the impact area of the proposed development.

While treatment plants, such as the proposal, are not specifically mentioned as a land use in the unincorporated parts of the County, the appropriateness of the type of development and use of the land is a matter reserved for County Land Use. The TSP is a long-range plan and provides indication and aspirational direction for improvements and maintenance of the County's transportation network, which are implemented through the County's Road Rules and Design and Construction Manual. Consequently, the policies and goals within the TSP are written as directives for the County's transportation division and do not provide criteria for evaluating land use proposals. County Transportation evaluates each land use proposal for impacts on the transportation network according to the Road Rules and Design and Construction Manual.

As noted in the responses to the Road Rules criteria set out in this memo, County Transportation has evaluated the impacts (construction and built-out conditions) of the proposed development and has recommended approval with conditions. County Transportation is recommending as a condition of approval that the applicant improve roadways to its minimum Pavement Condition Index standards during and after construction to ensure that roadways are safe for the traveling public and the impacts are minimized. It is believed that those conditions mitigate the impacts of the proposed development in a manner that is roughly proportional to the impacts of the development on County roads and right of way.

### **Exhibit D.2 GBSD Email rec'd 3.3.23**

### **Exhibit D.3 GBSD PWB Water Treatment Plant Opposition Resolution SIGNED rec'd 3.3.23**

Gresham-Barlow School District oppose the proposed development because the applicant had not demonstrated:

- How student and community safety would be ensured
- How traffic concerns would be addressed; and
- How road conditions during construction would not negatively impact school buses.

Conversely, the School District will only support the development where:

- Adequate mitigation is provided for traffic management during the construction phases and ongoing operation of the PWB facilities.
- It has assurance that they can ensure safety of students during road closures.
- Hazardous materials being transported to/from the PWB facilities will not affect the roads adjacent to the schools; and
- Roadways are shown to be able to accommodate increased heavy vehicles and there are safe walking paths adjacent to the roads.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access, where feasible, for all modes of transportation will be provided. The transport of hazardous materials is regulated by the Federal government through CFR 49 CFR 171.1 - 171.822. PWB is required to follow all federal regulations related to transporting hazardous materials. County Transportation has no jurisdiction over the transportation of hazardous materials.

#### **Exhibit D.4 Nerison Comment 3.6.23**

Mr Nerison, of Surface Nursery, a neighbor to the Filtration Plant site, expresses concern about construction traffic. Mr. Nerison also asked about access via SE Carpenter Ln and SE Cottrell Rd rather than SE Dodge Park Blvd, and access via SE Bluff Rd (Clackamas County).

The applicant, during pre-app stages, had explored an option to provide site access to the Filtration Plant site from SE Dodge Park Blvd. County Transportation had noted in pre-app discussions and memos that this approach would require a Road Rules Variance because it was not consistent with the County's access standards set out in the Road Rules. In particular, developments are required to use a lower classification road, where feasible. The application that was submitted showed access via SE Carpenter Ln (and SE Cottrell Rd). County Transportation makes comments related to the Land Use application submitted and reviews for consistency with Transportation standards. It did not make any decisions prior to the findings set out in this memo about where the access should be taken. It only advised the applicant regarding the standards.

Multnomah County Transportation has no comments to make about the SE Bluff Rd access, as this is not within its jurisdiction.

#### **Exhibit D.5 Ekstrom Comment dated 3.14.23 rec 3.21.23**

James and Shelley Ekstrom express opposition to the change of use from farmland to industrial filtration plant use. Concern is also raised about the impact of heavy trucks on local

farmers/businesses and local road conditions during the construction phase of the proposed development.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access, where feasible, for all modes of transportation will be provided. County Transportation is recommending as a condition of approval that the applicant improve roadways to its minimum Pavement Condition Index standards during and after construction to ensure that roadways are safe for the traveling public and the impacts are minimized.

#### **Exhibit D.6 Surface Nursery - Farm Impacts Letter 4.4.23**

Surface Nursery Inc expresses concern about the impact of construction traffic on its farming operations during the construction phase of the proposed development.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access for existing properties and farm operations will be required.

#### **Exhibit D.7 Kost Comment 4.17.23**

Mr and Ms Kost express concern about impacts that the proposed development will have on agricultural land use, local wildlife, noise and night sky (darkness). As transportation issues were not raised, County Transportation has no further comment.

#### **Exhibit D.8 Swinford Comment 4.17.23**

Mr & Ms Swinford express concern about impacts that the proposed development will have on agricultural land use, local wildlife, pollution, noise and vibration. As specific transportation issues were not raised, County Transportation has no further comment.

#### **Exhibit D.9 Allott Comment rec 4.21.23**

Ms Allot expresses concern that wildlife habitat will be lost, that the PWB's chemicals generate a hazard and potential environmental risk, light pollution will be created, and soils will be displaced. Concern is raised that there will be excessive traffic and road damage, and that non-vehicular users of the roads will be exposed to greater risks.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access for all modes of transportation (where feasible), existing



properties and farm operations will be required. County Transportation is recommending as a condition of approval that the applicant improve roadways to its minimum Pavement Condition Index standards during and after construction to ensure that roadways are safe for the traveling public and the impacts are minimized.

**Exhibit D.10 Cottrell Community Planning Organization Comment rec 4.21.23**

Cottrell Community Planning Organization (CCPO) (Exhibit D.10) refers to a PWB document that truck trips during the construction phase of the proposed development will be over 100,000 trips. The CCPO also noted that at the time of writing their email, the applicant had not submitted a Construction Traffic Impact Statement. Overall, the CCPO considers that the construction traffic will negatively impact local property owners and businesses.

County Transportation has not seen the applicant's document that the CCPO refers to, as it is not part of the submitted application document included in the Hearing record. Since the CCPO made its testimony in April, the applicant submitted a Construction Traffic Impact Statement to County Land Use on May 9, 2023 (Exhibits A.226, A227).

While County Transportation recognizes that aggregate or cumulative numbers over the entire construction period are large, it is common practice in Transportation and Engineering to break this down into daily totals and peak hour activities. The Construction Traffic Impact Statement has provided sufficient daily trip information for the County to recommend conditions of approval that can mitigate, with reasonable scope of proportionality to the development (based on legal restrictions), the impact of the construction and ongoing facility traffic on the local transportation network and those who use, or live, next to it.

**Exhibit D.11 Cottrell CPO Email submitting Resolutions rec 4.21.23**

Email clarifying the submission to the record of different community organizations' resolutions (Exhibits 12 and 14). No County Transportation comments.

**Exhibit D.12 Cottrell CPO Resolution rec 4.21.23**

Cottrell Community Planning Organization (CCPO) signed a resolution opposing the proposed development (Exhibit D.12).

County Transportation notes the resolution including opposition to the development based on a number of factors, including traffic impacts. County Transportation has reviewed the applicant's traffic impact analyses (Exhibits A.31, A226, A.227) and has made recommendations for conditions of approval that will mitigate the impacts of the construction traffic and ongoing facility operations. These conditions of approval are written and provided within a reasonable scope of proportionality to the development (based on legal restrictions).

**Exhibit D.13 PHCA Comments - PWB water plant rec 4.21.23**

Pleasant Home Community Association (PHCA) refers to a PWB document that truck trips during the construction phase of the proposed development will be over 100,000 trips. PHCA also noted that at the time of writing their letter, the applicant had not submitted a Construction Traffic Impact Statement. Overall, PHCA considers that the impact of construction traffic is related to the land use review, because it will negatively impact the neighborhood character, farming practices and natural resources, as well as generating more risk and hazardous conditions.

County Transportation has not seen the applicant's document that the PHCA refers to, as it is not part of the submitted application document included in the Hearing record. Since the CCPO made its testimony in April, the applicant submitted a Construction Traffic Impact Statement to County Land Use on May 9, 2023 (Exhibits A.226, A227).

While County Transportation recognizes that aggregate or cumulative numbers over the entire construction period can be alarming, it is common practice in Transportation and Engineering to break this down into daily totals and peak hour activities. The Construction Traffic Impact Statement has provided sufficient daily trip information for the County to recommend conditions of approval that can mitigate, with reasonable scope of proportionality to the development (based on legal restrictions), the impact of the construction and ongoing facility traffic on the local transportation network and those who use, or live, next to it.

#### **Exhibit D.14 PHCA Resolution rec 4.21.23**

Pleasant Home Community Association (PHCA) signed a resolution opposing the proposed development (Exhibit D.14).

County Transportation notes the resolution including opposition to the development based on a number of factors, including traffic impacts. County Transportation has reviewed the applicant's traffic impact analyses (Exhibits A.31, A226, A.227) and has made recommendations for conditions of approval that will mitigate the impacts of the construction traffic and ongoing facility operations. These conditions of approval are written and provided within a reasonable scope of proportionality to the development (based on legal restrictions).

#### **Exhibit D.15 Gale - Bacon Comment 5.2.23**

Mr Gale and Mr Bacon oppose the proposed development because:

- The rural character of the area will be negatively impacted by the construction and built out conditions of development;
- They note many of the roads are already in a poor condition and this will be worsened with the increased traffic from the development;
- Schools in the vicinity will be affected by the construction/operation traffic increasing students' safety risk;
- Local non-vehicular users of the roads will also be at a safety risk (joggers, cyclists, pedestrians etc).

County Transportation has reviewed the applicant's traffic impact analyses (Exhibits A.31, A226, A.227) and has made recommendations for conditions of approval that will mitigate the impacts of the construction traffic and ongoing facility operations.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access for all modes of transportation (where feasible), existing properties and farm operations will be required. County Transportation is recommending as a condition of approval that the applicant improve roadways to its minimum Pavement Condition Index standards during and after construction to ensure that roadways are safe for the traveling public and the impacts are minimized.

Comments were also made with reference to Johnson Creek and SE Bluff Rd in Clackamas County. These are not in the County's jurisdiction; thus, County Transportation has no comment.

#### **Exhibit D.16 Gresham Fire Comments**

Gresham Fire District provided a letter directed to County Land Use clarifying IGA terms. No matters pertained to County Transportation. County Transportation has no comment.

#### **Exhibit D.17 OHA Comments**

Oregon Health Authority letter supports the proposal because safe drinking water is important to public health. No matters pertained to County Transportation. County Transportation has no comment.

#### **Exhibit D.18 Grahn Comments rec 6.12.23**

Leroy and Dorinda Grahn write in objection to the proposal because of impacts on local wildlife and that truck traffic will affect cyclists in the local areas.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access for all modes of transportation (where feasible), existing properties and farm operations will be required. County Transportation is recommending as a condition of approval that the applicant improve roadways to its minimum Pavement Condition Index standards during and after construction to ensure that roadways are safe for the traveling public and the impacts are minimized.

#### **Exhibit D.19 Wilson Comment rec 6.12.23**

Email requesting Land Use provide clarification about the Intertie site easement. No matters pertained to County Transportation. County Transportation has no comment.

**Exhibit D.20 Oregon Trail School District Comment rec 6.12.23**

Oregon Trail School District request the application be denied, as it considers the construction traffic and transportation of hazardous material to and from the facility create dangerous conditions for students, staff and the local community.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access, where feasible, for all modes of transportation will be provided. The transport of hazardous materials is regulated by the Federal government through CFR 49 CFR 171.1 - 171.822. PWB is required to follow all federal regulations related to transporting hazardous materials. County Transportation has no jurisdiction over the transportation of hazardous materials.

**Exhibit D.21 Jessen Comment rec 6.14.23**

Matthew Jessen makes comments in reference to Clackamas County zoning. Further comments are made raising concerns:

- for changes to the agricultural nature of the local area;
- users of Bluff Rd, such as bicyclists, runners, tractors, school buses and local traffic; and
- the volume of construction trucks and trucks transporting hazardous materials.

County Transportation will require the applicant to provide additional information during the partial/full closure of roads for pipeline and roadway construction consistent with the provisions of MCRR 13.000. The applicant will have to provide traffic control plans that receive engineering review and approval. Maintaining access for all modes of transportation (where feasible), existing properties and farm operations will be required. County Transportation is recommending as a condition of approval that the applicant improve roadways to its minimum Pavement Condition Index standards during and after construction to ensure that roadways are safe for the traveling public and the impacts are minimized.

The transport of hazardous materials is regulated by the Federal government through CFR 49 CFR 171.1 - 171.822. PWB is required to follow all federal regulations related to transporting hazardous materials. County Transportation has no jurisdiction over the transportation of hazardous materials.