

# NOTICE OF PUBLIC HEARING BEFORE A HEARINGS OFFICER



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone (503) 988 - 3043

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## HEARING TIME AND PLACE

**DATE & TIME:** Wednesday, April 16, 2025, 9:00 am

**LOCATION:** Hybrid Hearing – Virtual & In-Person

- **Virtual Attendance/Participation:** To attend or participate virtually, send an email to LUP-hearings@multco.us anytime before or during the hearing. Please include your mailing address and whether you would like to testify. You will receive an email response with information about how to virtually join the hearing. People who do not sign up in advance to testify will be given an opportunity at hearing to indicate that they want to testify.
- **In-Person Attendance/Participation:** East County Health Center, 600 NE 8<sup>th</sup> St, Gresham, Oregon 97030 in the Sharron Kelley Room. People can sign up to testify on the sign-in sheet at the hearing.

For persons who need ADA accommodations, technology assistance or translation services, please contact Land Use Planning via email at [LUP-hearings@multco.us](mailto:LUP-hearings@multco.us) by **April 9, 2025 at 4 pm.**

## PURPOSE

**This notice concerns a public hearing scheduled to consider the remand of the following land use case(s):**

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**CASE FILE:** T3-2022-16220                      **APPLICANT:** Bonita Oswald, Portland Water Bureau

**PROPOSAL:** Portland Water Bureau proposes to build a drinking water filtration facility and communications tower located at the eastern end of SE Carpenter Lane with raw and finished water pipelines connecting to the existing Bull Run conduit system.

**FILTRATION FACILITY LOCATION:** 35320 SE Carpenter Lane, Gresham, OR 97080

**Map, Tax Lot:** 1S4E22-00400 & 1S4E22D-00100

**Property ID #** R342619 & R342603      **Alt. Acct. #**R994220980 & R994220820

**BASE ZONE:** Multiple Use Agriculture – 20 (MUA-20)

**OVERLAYS:** Significant Environmental Concern for wildlife habitat (SEC-h), Significant Environmental Concern for water resources (SEC-wr), Geologic Hazards (GH)

### **PIPELINES**

**ROUTES:** Portions of Dodge Park, Cottrell Rd, Lusted Rd, Altman Rd, and additional properties

**OTHER PROPERTIES INVOLVED LOCATION(S):** 35227 SE Carpenter Ln (R342606), 36910 SE Lusted Rd (R237226), 36800 SE Lusted Rd (R237225), 36322 SE Dodge Park Blvd (R154381), 33304 SE Lusted Rd (R342513), 6704 SE Cottrell Rd (R342553), 34747 SE Lusted Rd (R341824),

Property to the Southeast of 34747 SE Lusted Rd (R342633), Tax lot located between 37039 SE Lusted Rd and Lusted Rd (R342647)

**Base Zones:** Multiple Use Agriculture-20 (MUA-20), Exclusive Farm Use (EFU), Commercial Forest Use (CFU), Rural Residential (RR)

**Overlays:** Significant Environmental Concern for wildlife habitat (SEC-h), Significant Environmental Concern for water resources (SEC-wr), Geologic Hazards (GH)

A copy of the application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no cost by visiting the website at [www.multco.us/landuse/portland-water-bureau-treatment-plant](http://www.multco.us/landuse/portland-water-bureau-treatment-plant) in the Document Library; hardcopies of the same will be provided at reasonable cost upon request.

**For further information on this case, contact Lisa Estrin at 503-988-0167 or via email at [LUP-comments@multco.us](mailto:LUP-comments@multco.us).**

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### ❖ **LIMITED SCOPE OF HEARING**

This hearing is limited in scope to resolving the issue(s) remanded by the Oregon Land Use Board of Appeals in *Cottrell Community Planning Organization et al v. Multnomah County*, LUBA No. 2023-086 (available at the following website: [www.oregon.gov/luba/Pages/2025-Opinions.aspx](http://www.oregon.gov/luba/Pages/2025-Opinions.aspx)) concerning the criterion of approval at MCC 39.7515(B). Statements or evidence outside of such scope may be deemed inapplicable, inadmissible, and/or not warranting further consideration. For this hearing, the existing record of statements and evidence in this matter is before the Hearings Officer and new evidence and statements may be offered for admission into the record.

### ❖ **PUBLIC PARTICIPATION AND HEARING PROCESS**

The Hearing will be conducted pursuant to the procedures set forth in Multnomah County Code (MCC) 39.1140 (Hearings Process), as applicable to this remand proceeding; these procedures will be explained at the hearing and a copy of MCC 39.1140 is available at no cost at the website identified below (*see* Applicable Approval Criteria).

A staff report will be available for inspection at no cost and posted on the above web page at least 7 days prior to the hearing; a hard copy of the staff report will be provided at reasonable cost upon request.

All parties interested in this matter may appear and testify virtually, in-person, and/or through the submission of written statements or evidence. Statements and evidence, whether offered through testimony or written submission, should address only those procedural or substantive issues within the scope of the hearing as described above, and must be presented with sufficient specificity so as to afford the Hearings Officer and all parties an opportunity to respond to such statements or evidence. **The amount of time you may be allowed for oral testimony may be limited to ensure all parties have an opportunity to testify.**

In order for statements or evidence to be considered by the Hearings Officer in rendering a decision in this matter, oral testimony must be received by the Hearings Officer prior to the close of the hearing and written submissions must be received for admission into the record prior to the close of the record or any prior deadline established by the Hearings Officer.

**NOTE:**

- In order for written submissions to be delivered to the Hearings Officer prior to commencement of the hearing, such submissions **must be received by the Land Use Planning office by April 15, 2025 at 2 pm.**
- **PREFERRED STANDARDS FOR WRITTEN SUBMISSIONS ARE SET FORTH BELOW IN THIS NOTICE.**

The Hearings Officer may announce a decision at the close of the hearing or on a later date, or the Hearings Officer may continue the hearing to a later date, time and location. The Hearings Officer may close the record at the end of the public hearing or set the record to close at a specific date and time at the hearing. At the end of the hearing, any participant may request an opportunity to present additional evidence, arguments or testimony by requesting a continuance or to keep open the record while the record is still open. The record of the hearing will be added to the Document Library on the website identified above as soon as practicable after close of the record.

Notice of the Hearings Officer's decision in this matter will be mailed to the applicant, subject property owners, any person who submitted written statements or evidence, requested the decision in writing, or provided oral testimony at the hearing. A decision by the Hearings Officer may be appealed to the Land Use Board of Appeals (LUBA) by the applicant or other participants at this hearing. An explanation of the requirements for filing an appeal will be included in the notice of decision.

**NOTE: Failure of an issue to be raised in this hearing or before the close of the record, in person or in letter or other writing, or failure to provide statements or evidence sufficient to afford the Hearings Officer and all parties an opportunity to respond to the issue, precludes appeal to LUBA based on that issue.**

**❖ PREFERRED STANDARDS FOR WRITTEN SUBMISSIONS**

**To the extent possible, please submit written statements or evidence by email or the online comment form;** you may also submit written statements or evidence by mail or at the hearing:

**Email:** [LUP-Hearings@multco.us](mailto:LUP-Hearings@multco.us)

**Online Comment Form:** [www.multco.us/landuse/portland-water-bureau-treatment-plant](http://www.multco.us/landuse/portland-water-bureau-treatment-plant)

**Mail:** T3-2022-16220 Comments  
1600 SE 190th Avenue  
Portland OR 97233-5910

**To the extent possible, digital or electronic submissions of statements or evidence should be in the following format:**

- **Searchable/Editable Files:** PDFs and other files should be text searchable. Files should also be editable to allow staff to add exhibit labels.
- **File Size and Type:** To allow submissions to be uploaded to the County's online Document Library, electronic submissions should be within the following sizes and types (the limits of the website):
  - **Documents:** Size: 64mb or less per file. File type: .txt, .rtf, .doc, .docx, .ppt, .pptx, .xls, .xlsx, .pdf

- Photos: *Size*: 5mb or less per file. *File type*: .png, .gif, .jpg, .jpeg, .webp with no high efficiency codecs (e.g., HEVC, HEIC, etc.)
- Videos: Please do not submit videos with high efficiency codecs (e.g., HEVC, HEIC, iPhone videos, etc.) because they cannot be played on all media players.
- **Exhibit Numbers**: Please do not include exhibit numbers in the titling of your submissions. Staff will assign exhibit numbers to submitted files.
- **No Flash Drives**: Flash drives will not be accepted.

## ❖ APPLICABLE APPROVAL CRITERIA

The subject proposal (i.e., application(s)) is subject to the criteria listed below; however, this hearing most directly concerns the criterion set forth in MCC 39.7515(B), such that not all of the following criteria may fall within the limited scope of this hearing (see explanation above):

### **Land Use Planning** - Multnomah County Code (MCC):

General Provisions: MCC 39.1250 Code Compliance and Violations, MCC 39.2000 Definitions, MCC 39.6850 Dark Sky Lighting Standards.

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3010 Lot of Record - CFU, MCC 39.3070 Lot of Record - EFU, MCC 39.3080 Lot of Record – MUA-20, MCC 39.3090 Lot of Record – RR.

Multiple Use Agriculture – 20: MCC 39.4305 Uses, MCC 39.4320(A) Conditional Uses, Community Service Uses, MCC 39.4325 Dimensional Requirements and Development Standards, MCC 39.4335 Lot Sizes for Conditional Uses, MCC 39.4340 Off-Street Parking and Loading.

Exclusive Farm Use: MCC 39.4215 Uses, MCC 39.4225(A) Review Uses, Utility Facilities..., MCC 39.4245 Dimensional Requirements and Development Standards.

Rural Residential: MCC 39.4355 Uses, MCC 39.4370(A) Conditional Uses, Community Service Uses, MCC 39.4375 Dimensional Requirements and Standards, MCC 39.4385 Lot Sizes for Conditional Uses, MCC 39.4390 Off-Street Parking and Loading.

Commercial Forest Use: MCC 39.4065 Uses, MCC 39.4080 (A) (5) Conditional Uses, Community Service, Water intake facility, related treatment facility, pumping station, and distribution line, MCC 39.4100 Use Compatibility Standards, MCC 39.4105 Building Height, MCC 39.4110 Forest Practice Setbacks and Fire Safety Zones, MCC 39.4115 Development Standards for Structures, MCC 39.4140 Lot Size for Conditional Uses, MCC 39.4145 Off-street Parking and Loading.

Utility Facilities Community Service Conditional Use: MCC 39.7520(A)(6) Use, Utility Facilities, MCC 39.7505 General Provisions, MCC 39.7515(A) through (H) Approval Criteria, MCC 39.7525 Restrictions, MCC 39.7750 Maintenance.

Radio Transmission Towers Community Service Conditional Use: MCC 39.7520(A)(8) Uses, Radio Transmission Towers, MCC 39.7560 Application Requirements, MCC 39.7565 Approval Criteria for New Transmission Towers, MCC 39.7570 Design Review, MCC 39.7575 Radiation Standards.

Design Review: MCC 39.8005 Elements of Design Review Plan, MCC 39.8010 Design Review Plan Approval Required, MCC 39.8020 Application of Regulations, MCC 39.8025 Design Review Plan Contents, MCC 39.8030 Final Design Review Plan, MCC 39.8040 Design Review Criteria, MCC 39.8045(C) Required Minimum Standards, Required Landscape Areas.

Parking, Loading, Circulation and Access: MCC 39.6505 General Provisions, MCC 39.6510 Continuing Obligation, MCC 39.6515 Plan Required, MCC 39.6520 Use of Space, MCC 39.6525 Location of Parking and Loading Spaces, MCC 39.6530 Improvements Required, MCC 39.6535

Change of Use, MCC 39.6540 Joint Parking and Loading Facilities, MCC 39.6545 Existing Spaces, MCC 39.6555 Design Standards: Scope, MCC 39.6560 Access, MCC 39.6565 Dimensional Standards, MCC 39.6570 Improvements, MCC 39.6575 Signs, MCC 39.6580 Design Standards: Setbacks, MCC 39.6585 Landscape and Screening Requirements, MCC 39.6590 Minimum Required Off-Street Parking Spaces, MCC 39.6595 Minimum Required Off-Street Loading Spaces, MCC 39.6600 Exceptions from Required Off-Street Parking or Loading Spaces.

Signs: MCC 39.6710 Conformance, MCC 39.6720 Exempt Signs, MCC 39.6725 Prohibited Signs, MCC 39.6730 Determination of Frontages, MCC 39.6740 Base Zone Sign Regulations, MCC 39.6745 Signs Generally, MCC 39.6780 Sign Placement, MCC 39.6805 Directional Signs, MCC 39.6820 Sign Related Definitions and Figures.

Significant Environmental Concern: MCC 39.5510 Uses; Sec Permit Required, MCC 39.5515 Exceptions, *Wildlife Habitat:* MCC 39.5520 Application for Sec Permit, MCC 39.5545 Definitions, MCC 39.5560 General Requirements for Approval in The West of Sandy River Planning Area Designated As SEC-wr or SEC-h, MCC 39.5860 Criteria for Approval Of SEC-h Permit -Wildlife Habitat.

Geologic Hazard: MCC 39.5075 Permit Required, MCC 39.5085 Geologic Hazards Permit Application Information Required, MCC 39.5090 Geologic Hazards Permit Standards.

Comprehensive Plan Policies: Land Use 2.50, Farmland 3.14, 3.15, Natural Hazards 7.1, 7.2, 7.3, 7.4 Public Facilities 11.3, 11.10, 11.11, 11.12, 11.13, 11.17

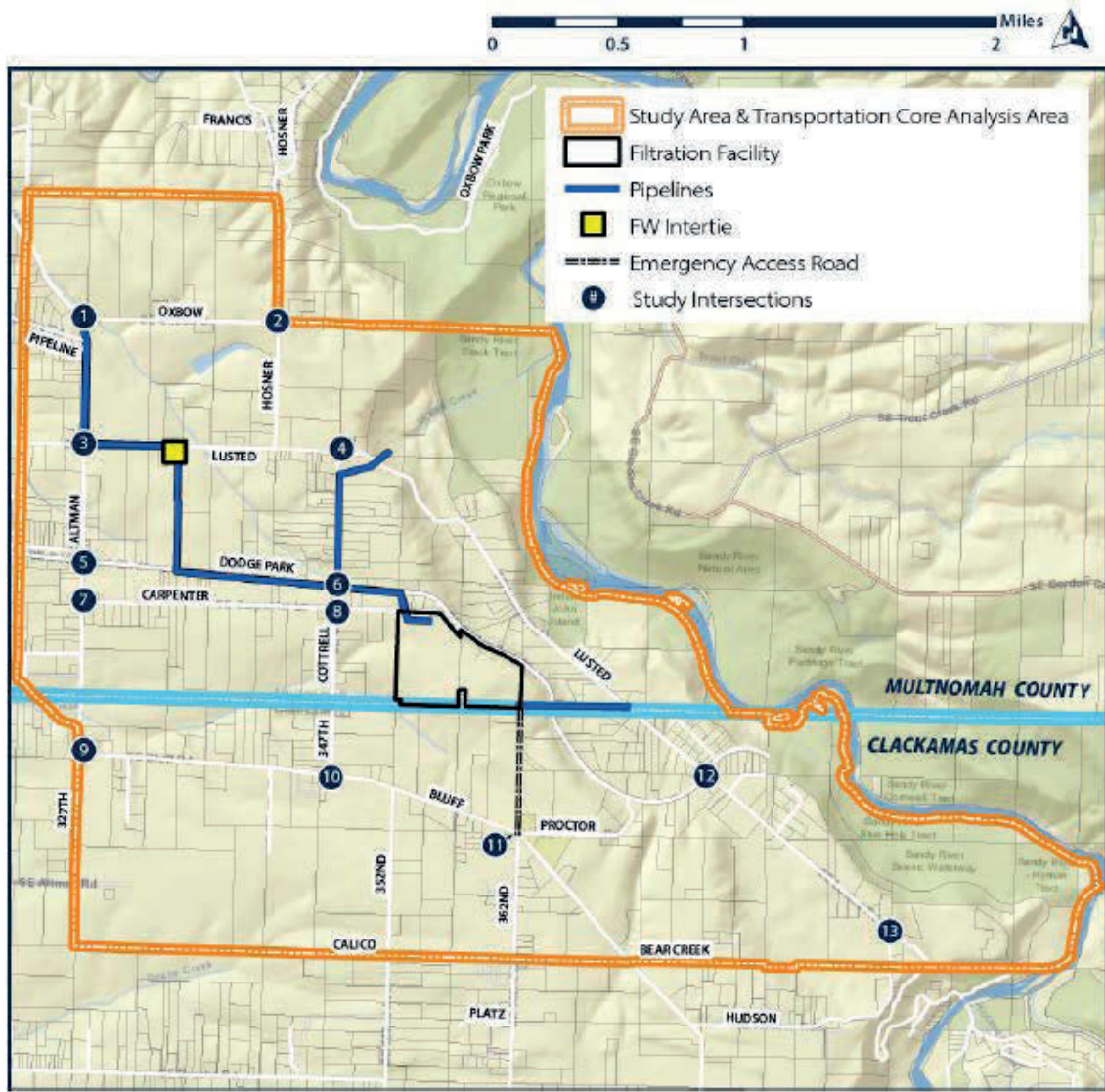
**Transportation Planning - Multnomah County Road Rules (MCRR):**

MCRR 4.000 Access to County Roads, MCRR 4.100 Application for New or Reconfigured Access, MCRR 4.200 Number of Accesses Allowed, MCRR 4.300 Location, MCRR 4.400 Width, MCRR 4.500 Sight Distance, MCRR 5.000 Transportation Impact, MCRR 6.000 Improvement Requirements, MCRR 6.100 Site Development: A. Dedication of Right of Way Requirement & B. Frontage Improvement Requirements, MCRR 8.000 Off-Site Improvement Requirements, MCRR 9.000 Compliance Method, MCRR 13.000 Temporary Road Closures, MCRR 15.000 Truck and Transit Restrictions, MCRR 18.250 Access/Encroachment Permit, and MCRR 26.000 Stormwater Management.

Copies of the referenced Multnomah County Code sections are available at reasonable cost by contacting our office at (503) 988-3043 or at no cost through Land Use Planning's website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 39: Multnomah County Zoning Code** and at <https://multco.us/landuse/comprehensive-plan> under the link **Multnomah County Comprehensive Plan**. Copies of the referenced Multnomah County Road Rules sections are available at no cost through Transportation Planning and Development Review's website at <https://www.multco.us/planreview> under the link **Related Documents**, and hardcopies of the same may be requested through the phone number above and provided at reasonable cost.

# Vicinity Map

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## Notice to Mortgage, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.