



LUP Hearings &lt;lup-hearings@multco.us&gt;

---

## Response in Opposition to the Proposed Filtration Plant Under MCC 39.7515(B)

1 message

John Swinford <jswinford66@gmail.com>  
To: lup-hearings@multco.us

Thu, May 1, 2025 at 9:07 AM



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

---

### Response in Opposition to the Proposed Filtration Plant Under MCC 39.7515(B)

I submit this testimony in opposition to the proposed Filtration Plant, based on its failure to meet the applicable standard under **MCC 39.7515(B)**. As clarified by LUBA, the relevant question before the Hearings Officer is **not whether the construction** of the plant will adversely affect natural resources, but rather **whether the use, as proposed to be operated, will impair those resources**. This standard requires a focused analysis of long-term operational impacts on natural resources broadly defined, not just those listed in the Goal 5 inventory or SEC overlays.

---

#### 1. The Use Will Adversely Affect Functioning Natural Systems

The definition of “natural resources,” as clarified by LUBA and the County’s interpretation of the MCCP, includes **functioning natural systems** such as **wetlands, streams, wildlife habitat, forests, agricultural resources, and environmental materials used or capable of use**. These resources are all present and interconnected in the area surrounding the proposed site.

The filtration plant is not a passive facility. It will involve **permanent structures, continual staff and vehicle access, mechanical operations, noise and light pollution, and chemical usage**. These activities will produce ongoing disturbances that result in degradation of natural systems in several ways:

- **Wildlife habitat** will be fragmented and disturbed by light, noise, traffic, and human presence.
- **Water quality** in nearby wetlands and streams may be impaired by runoff, vehicle emissions, or chemical leakage.
- **Forests and agricultural lands** may be weakened due to edge effects, hydrologic disruption, dust, and microclimate alteration caused by the facility’s presence and activity.

These impacts amount to a **loss of quality and capability** in the affected natural systems, meeting the definition of “environmental degradation” the County’s land use system is designed to prevent.

---

#### 2. The Filtration Plant Is Not the Only Way to Meet Regulatory Requirements—Less Harmful Alternatives Exist

Exhibit S.11

While **treatment for cryptosporidium is required by federal and state regulations**, the proposed **filtration plant is not the only approved method** to achieve compliance. **Ultraviolet (UV) disinfection** is an EPA- and Oregon Health Authority-approved alternative that effectively inactivates cryptosporidium. UV systems are not only capable of meeting all regulatory health standards—they do so with **far less environmental impact**.

Major urban water systems have adopted UV treatment successfully. **New York City's Catskill/Delaware UV Facility**, the largest UV disinfection facility in the world, treats over **2 billion gallons of water per day** without the need for filtration. Similarly, **Seattle Public Utilities** employs UV treatment at its Tolt and Cedar systems, citing its reliability, cost-efficiency, and minimal environmental footprint.

Compared to a large-scale filtration plant, a UV treatment system is **more compact, less invasive**, and **significantly less harmful to surrounding natural resources**. Choosing to pursue a filtration plant over a UV system imposes **avoidable environmental degradation** and does not represent the least impactful path to compliance. As such, the adverse effects from this proposed use are **not justified**, and the application does not meet the threshold set by MCC 39.7515(B).

---

### 3. The Adverse Effects Are Not Temporary—They Are Inherent to the Use

Unlike construction-related disturbances, which are temporary, the negative impacts associated with the **operation** of the facility will persist for decades. The noise, activity, lighting, vehicular access, chemical storage, and runoff will all become **permanent features of the landscape**, continuously affecting the area's ecological balance and reducing the function and resilience of its natural systems.

---

### 4. Compliance with Comprehensive Plan Policies Is Not Sufficient

While the applicant may cite compliance with policies in the Comprehensive Plan's Natural Resources chapter, LUBA has made clear that **this is not enough to demonstrate compliance** with MCC 39.7515(B). The standard demands a **direct and site-specific evaluation** of how the use, as operated, will impair natural systems—regardless of broader policy alignment.

---

### 5. Burden of Proof Rests with the Applicant

The applicant has the burden of proving that the **use will not impair natural resources** through weakening or loss of function, quality, or capability. That burden has not been met. The environmental risks are well-documented and intrinsic to the long-term use of the site. Moreover, a **viable, less-damaging alternative—UV treatment—exists and has been implemented at scale** elsewhere. The failure to pursue such an alternative undermines any claim that the proposed facility avoids unnecessary harm.

---

### 6. The Use Conflicts with the Purpose and Protections of Scenic Byways

**Dodge Park Boulevard**, one of the main transportation corridors proposed for access to the filtration plant site, is a **recognized scenic byway** (Mt. Hood National Scenic Byway)—treasured for its natural beauty, cultural character, and environmental significance. Its designation is not incidental: it reflects a commitment by the community and federal agencies to preserve and protect the ecological, aesthetic, and cultural value of the route.

The **National Scenic Byways Program (NSBP)**, established under the Intermodal Surface Transportation Efficiency Act of 1991 and administered by the **Federal Highway Administration (FHWA)**, seeks to promote the preservation, protection, and enhancement of America's most scenic and culturally rich roadways. The program encourages **sustainable tourism, community stewardship, and ecological conservation** along designated routes. Scenic byways often traverse areas of high environmental sensitivity, with the NSBP prioritizing conservation of critical habitats, mitigation of development impacts, and preservation of wildlife corridors.

Using Dodge Park Boulevard to support an **industrial-scale filtration facility**—including construction haul routes and long-term operational traffic—would result in dust, noise, visual degradation, and increased roadway wear, directly conflicting with the NSBP's mission. It undermines the community's efforts to safeguard its natural heritage and weakens the scenic and ecological value of this federally recognized resource.

The proposed use would permanently alter the character and functioning of the scenic byway, contrary to County goals and federal conservation principles. This constitutes another clear form of adverse impact to natural resources under MCC 39.7515(B).

---

## Conclusion

MCC 39.7515(B) requires denial of any proposed use that will adversely affect natural resources. The filtration plant, as proposed, will cause long-term degradation to functioning natural systems—including wildlife habitat, streams, forests, and agricultural areas—through its operation. These adverse effects are not only substantial; they are **avoidable**, given that **UV treatment offers a proven, lower-impact alternative** that still meets all regulatory health and safety requirements.

Additionally, the use of Dodge Park Boulevard for this industrial project poses an **irreconcilable conflict** with scenic byway protections, violating the community's interest in conservation, tourism, and quality of life.

Approval of this application would run contrary to both the intent and the requirements of the Multnomah County Code and Comprehensive Plan. I respectfully urge the Hearings Officer to **deny the application**.

Thank you,  
John Swinford

7428 SE Cottrell Rd.  
Gresham, OR 97080



Mt Hood Scenic Byway.png  
584K