



## MEMORANDUM

To: Lisa Estrin  
From: Tim Brooks and Jesse Winterowd  
Date: May 8, 2023  
Re: T3-2022-16220 – Response to Fire District 10 Comments

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This memo provides the Water Bureau's response to comments on three Conditional Use criteria provided by the Multnomah Rural Fire District No. 10 (RFPD10). We have organized the comments into three categories relating to the criteria cited in the RFPD10 comments. We have responded to each of the key points raised.

The RFPD10 Board alleges that three conditional use criteria are not met:

1. *Will require public services other than those existing or programmed for the area.*

a) At page 3, the Board states:

*As the primary provider of fire and emergency services to this area, it is incumbent upon RFPD10 to evaluate the proposed use and determine the ability of RFPD10 to service the proposed use as well as evaluate potential impacts/risks/hazards to the health and safety of citizens that reside and work in the district's service area. This document addresses these objectives.*

Response: As primary provider of fire and emergency services, RFPD10 provides service to properties within its service area. While the district may require conditions of approval to ensure compliance with fire code requirements, Multnomah County must determine whether a land use proposal meets applicable County land use standards.

As demonstrated in Application Appendix 1.A, page 84, fire protection service is available to serve the project. Filtration Facility (FF) fire and transportation impacts are addressed by Water Bureau experts in detail (see Appendix C.1 Traffic Impact Analysis), and by experts at Gresham Fire in service provider letters (Appendix L.10). The service provider letters identified requirements for site access, vehicular circulation, and water supply, pressure, and flow. The Water Bureau has designed the project to meet the required standards.

b) Several RFPD10 comments relate to service dispatches, equipment allocations, and related service issues. For example, at page 6, the Board states:

*Specialty response services includes hazardous materials, confined space rescue and supplemental tankers are not available at Station 76. These services must be dispatched from GFES stations in Gresham and Clackamas County.*

Similar comments are presented in the Board's Findings 2 through 6 on page 21.

Response: The RFPD10 Board is speculating about possible future conditions and funding that may reduce service in the area. Service dispatch and equipment allocation are not issues that can be

resolved through the land use process. Rather, those issues must be resolved through regional governance and fiscal decisions.

The intergovernmental agreement (IGA) between the City of Gresham and RFPD10 shows that Station 76 and this service area have a long history of receiving supportive services from the Gresham Fire District. The IGA ensures that the entire service area receives adequate service, equipment, and fire service. In compliance with the approval criterion, the public emergency services that will be needed for facility operation exist within the overall service area of the proposed Water Bureau Project.

c) The Board's Finding 1 on page 21 states:

*An industrial water treatment plant is inconsistent with the rural nature of RFPD10's primary service area.*

Response: As documented in Application Narrative Section 1A and 1B, the water filtration facility is consistent with the study area agreed upon by Multnomah County planning staff. The RFPD10 service area is not the relevant study area for land use review purposes. Furthermore, RFPD10 does not dictate the uses permitted within its service area. Pursuant to the Multnomah County Code, a wide variety of uses are allowed within the RFPD10's primary service area, including the proposed community service use.

For the reasons described above and in the Water Bureau's application, the public services criterion has been satisfied.

## 2. *Will create hazardous conditions.*

a) At page 24, the Board Findings 19 and 20 state:

*19. Hazardous materials will be utilized in large volumes on a 24/7 /365 basis at the proposed plant. Hundreds of hazardous material deliveries will be required annually in all weather conditions. The potential for release of hazardous materials exists during transport, off-loading, storage and feed equipment failure. Accidental release of hazardous materials represents an ongoing hazardous condition that cannot be eliminated through best management practices, regulations, training or technology.*

*20. Nine health and safety issues related to plant operation have been initially identified by the PWB. While health and safety risk factors may be reduced through the implementation of appropriate design, training and best management practices, it is not possible to eliminate these risks. Consequently, plant operation represents an on going and unavoidable hazardous condition for residents, plant staff and first responders.*

Response: Hazardous conditions are mitigated, as documented in the Hazardous Materials Management Plan (HMMP) (Appendix E.6). Hazardous materials will be transported and stored in accordance with IFC (International Fire Code), IBC (International Building Code), and DEQ (Department of Environmental Quality) standards. In addition, the filtration facility purifies and recycles water on site; all water is returned to the head of the facility with no off-site discharges to local water bodies (Appendix E.7). The Traffic Impact Analysis (Appendix C.1) shows that traffic safety and intersection level of service will be maintained.

The standard cannot be interpreted to mean that there is no possibility of a hazard. Under such an interpretation, no development could be approved in rural Multnomah County. The Water Bureau has shown compliance with all relevant state and federal standards relating to handling and storage of hazardous materials.

3. *Will satisfy the applicable policies of the Comprehensive Plan*

The Board cites a Multnomah County Comprehensive Plan (MCCP) strategy and several Transportation System Plan (TSP) policies, as discussed below. The Water Bureau believes that these policies are not applicable conditional use approval criteria; the cited County policies are directives to the County and do not apply to land use applications. In several cases, the policies also use non-mandatory language (e.g., “encourage” or “discourage”). To the extent that that County has addressed these policies, they are implemented through the zoning code and transportation development standards.

- a) At page 3, RFPD10 cites MCCP Strategy 11.17-2:  
*Encourage police, fire protection and emergency response service providers to review land use proposals for, among other factors determined by the agency, sufficiency of site access and vehicular circulation and, for fire protection purposes, the availability of adequate water supply, pressure, and flow, whether provided on-site or delivered from off-site.*

Response: The RFPD10 Board may, of course, review and comment on land use proposals at any time. However, this Comprehensive Plan strategy is not mandatory and therefore cannot be used as an approval criterion. This policy is implemented by requiring applicants to secure service provider letters from experts. The Water Bureau has done this, as demonstrated under Item 1 above.

- b) The RFPD10 Board cites several TSP policies on pages 15 and 16. The list covers Policies 1, 3, 12, 18, and 22.

Response: These policies are not conditional review criteria because they direct the County to take actions through the TSP. For example, policies direct the County to address specific issues when designing and improving streets.

The TIA addresses many of the general topics covered in these policies including traffic safety. The TIA found no significant transportation impact from the filtration facility or pipelines.

- c) On pages 11-16, the Board raises transportation safety issues, including bicycle and pedestrian safety. They refer to the TSP Introduction and Existing and Future Conditions sections. The highlighted sections include the following:

*A. The primary transportation issue in Multnomah County’s rural areas is safety, Identifying and prioritizing safety improvements will be a primary objective of the TSP Update. (2016 TSP p. 34).*

Response: The TIA addresses traffic safety issues in the transportation impact study area agreed upon by County transportation engineers (which is different than the RFPD10 service area). The TIA concludes no significant impact from the filtration facility and pipelines.

The TSP text referenced here directs the County to address and prioritize safety improvements; thus, this policy is not a conditional use review criterion applicable to this land use decision.

- d) On pages 7-10, the Board presents the argument that county roads have not been adequately maintained, were originally designed as “farm to market” roads but now must accommodate heavy truck traffic due to “the unprecedented increase in industrial activities,” that many area roads are in substandard condition and that there are increased safety issues.

Response: These issues are addressed in Section 1 of the application narrative and in the TIA. The County has been approving industrial-scale agricultural operations (nursery, wholesale, and related agricultural activities) for the last 40 years, without objection from the RFPD10 Board that we are aware of. The scale of heavy truck use proposed by the Water Bureau is less than scale of heavy truck use by many industrial agricultural operations within the RFPD10 service area.

- e) On pages 21-22, the Board presents Findings 7 through 10, comments related to road conditions, road capacities, and County TSP policies.

Response: The TIA addresses traffic safety issues in the transportation impact study area and concludes that there will be no significant impact from the FF and pipelines.

Further, the TIA commits the Water Bureau to improving Carpenter Lane to County standards – a major improvement over existing road conditions. The intersection of Cottrell Road and Carpenter Lane will also be improved to County standards per the TIA.

The TSP text references and policies either direct the County to address and prioritize safety improvements or direct the County to address specific issues when designing and improving streets.

- f) On pages 22-24, Board Findings 11 through 18 relate to construction traffic. Finding 11 for example states:

*Two traffic studies have been completed for “operational” traffic impacts (data for both collected during winter months). No traffic study has been completed that documents/evaluates the large volume of heavy truck traffic associated with plan and pipeline construction that will span at least five years.*

Response: While the conditional use review addresses the use of the site – not construction – the Water Bureau has prepared a construction traffic report that shows how construction traffic impacts are directly addressed and mitigated.

As the Construction TIA concludes the combined construction traffic will have minimal impacts on intersection and roadway operations. Truck traffic causes no impact to intersection operations and impacts from Commuter trips can be effectively mitigated through use of travel demand management (TDM) strategies.

Thank you for the opportunity to respond to these comments. Please let us know if you have any questions.