



MEMORANDUM

RECEIVED AUG 30 2018

To: Adam Barber, Multnomah County Planning
From: Greg Winterowd and
Ben Schonberger, AICP
Date: August 30, 2018
Re: **Completeness Response, Sam Barlow sewer line goal exception,
#T4-2018-10415**

This is a response to the request for additional information in your letter dated June 5, 2018 concerning the application for a Statewide Planning Goal 11 reasons exception to allow a new sewer line to serve Sam Barlow High School, case #T4-2018-10415. Numbered responses below parallel the list of items in your letter.

1. Service Provider Forms

As requested, we have obtained service provider forms from the City of Gresham for sewer service and Lusted Water District for water service. They are attached.

2. Revised Findings

A revised application narrative and findings document is attached. We have restructured the findings to follow the Multnomah County Code, specifically 37.0705.

In addition, the revised findings provide a more detailed response to OAR 660-004-0020(2)(a) through (d).

3. Project Scope

The submitted application is for the goal exception only. If other permits are required for the sewer line construction, they will be filed separately.

In addition, the goal exception does not include tax lot 200 (R994181340), the "south lot" just south of the main school tax lot.

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The reference to county ownership of the new sewer line in the previous application narrative is an error. The sewer line will be within County right of way, but will not be owned or maintained by Multnomah County. The school district will be responsible for it.

Thank you for the opportunity to respond to the issues in your letter. Please contact me with any further questions.

Sam Barlow High School Goal 11 Exception

Application to amend to the Multnomah County Comprehensive Plan to include a Goal 11 (Public Facilities and Services) reasons exception to allow extension of a sanitary sewer line to serve Sam Barlow High School.

- Sewage from the high school has been transported by truck to the City of Gresham Wastewater Treatment Plan (WTP) since the school opened in 1968.
- The school site currently has a “built and committed exception” that was adopted as part of the Multnomah County Comprehensive Plan (comprehensive plan) in 1980.

APPLICANT: **Gresham Barlow School District**

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Phone: (503) 261-4567

REPRESENTED BY: **Winterbrook Planning**

Contact: Ben Schonberger

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SITE LOCATION: 5105 SE 302nd Avenue

STATE ID #: 1S 4E 18 - 100

ALT. TAX ID: R994180780

COUNTY ZONING: MUA 20, with SEC-h overlay

DATE: August 27, 2018

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 (1) *The plan revision is consistent with the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes;* 5

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 (a) "Reasons justify why the state policy embodied in the applicable goals should not apply." 9

 (b) "Areas that do not require a new exception cannot reasonably accommodate the use".
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 (c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." 13

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 (2) *The proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use;* 22

 (3) *The uses allowed by the proposed changes will: (a) Not destabilize the land use pattern in the vicinity; (b) Not conflict with existing or planned uses on adjacent lands; and (c) That necessary public services are or will be available to serve allowed uses.* 23

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Background

In 1964 Multnomah County approved a conditional use permit to allow a high school on 1S 4E 18, Tax Lot 100 (the subject property). Sam Barlow High School opened in 1968. For the last 50 years, the School District has transported sewage from the high school to the city of Gresham for treatment via truck. The City and the School District have a long-standing intergovernmental agreement to allow this to occur.

In 1973 the Oregon Legislature passed Senate Bill 100 which established the Land Conservation and Development Commission. In 1975, the LCDC adopted 14 statewide planning goals. Goal 14 (Urbanization) requires cities to establish urban growth boundaries (UGBs). Goal 3 (Agricultural Lands) generally prohibits urban uses on farm land outside of urban growth boundaries. Goal 11 (Public Facilities and Services) does not allow extension of sewer systems to serve rural land outside UGBs. Goal 2 (Land Use Planning) establishes a process for taking for taking an “exception” to the policy directives found Goals 3, 11 and 14.

In 1980, the Multnomah County Comprehensive Plan approved a Goal 2, Part II(c) exception to Goal 3 (Agricultural Lands) that recognized the high school property as being “built and committed” to non-farm use. As a result, the school property was zoned MUA-20 (which allows schools as a community service use) rather than Exclusive Farm Use (which does not). The exception also recognized that sewerage from the school was being trucked to Gresham for treatment.

In 2009, Multnomah County and Metro designated the East Gresham Area (which includes Sam Barlow High School) as an “Urban Reserve.” To support this designation, the city of Gresham prepared the Sewer Pump Station Master Plan which shows where and how sanitary sewer service can be extended to serve the East Gresham Urban Reserve Area. The proposed sewer line exception is consistent with this plan.

In 2018, Multnomah County approved a nonconforming use application to allow expansion of the school and related campus improvements (County case file T2-2017-9119). The non-conforming use review determined that there would be no significant impacts on surrounding rural properties from the school expansion. Because more efficient plumbing fixtures will be used, effluent flows from the expanded high school will be reduced.

The School District has determined that it would be more efficient and less expensive to construct a sewer line in the Lusted Road right-of-way to connect directly with the Gresham wastewater system – rather than trucking the sewerage to the Gresham Wastewater Treatment Plant (WTP). City of Gresham public works staff support this idea and amending the existing inter-governmental agreement to recognize the change in conveyance method.

However, extending a sewer line outside a UGB is not allowed by Statewide Planning Goal 11 (Public Facilities and Services) – unless there is a very good reason not to follow the Goal 11 mandate. Goal 2, Part II(c) as implemented by OAR 660-004-0020 sets forth a process and criteria for approval of Goal 11 exception. In short, there must be a very good reason to allow

such an extension and the exception must be adopted by the County as part of the comprehensive plan and “acknowledged” by the LCDC.

County Review Criteria (37.0705)

A statewide planning goal exception requires an amendment to the county comprehensive plan. The Multnomah County Code includes criteria for review of site-specific comprehensive plan amendments as follows:

§ 37.0705 TYPE IV QUASI-JUDICIAL PLAN AND ZONE CHANGE APPROVAL CRITERIA.

(A) Quasi-judicial Plan Revision. The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the following standards are met:

- (1) The plan revision is consistent with the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes; ***
- (2) The proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use;***
- (3) The uses allowed by the proposed changes will: (a) Not destabilize the land use pattern in the vicinity; (b) Not conflict with existing or planned uses on adjacent lands; and (c) That necessary public services are or will be available to serve allowed uses.***
- (4) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under this subsection.***

Proposed Findings: The findings below explain why the District’s proposal to construct a sewer line outside the UGB to serve Sam Barlow High School is consistent with county quasi-judicial comprehensive plan amendment criteria – which reference state statutory and rule requirements for statewide planning goal exceptions. As noted above, the high school site has an acknowledged “built and committed” exception which justified assigning MUA-20 zoning and recognized that high school sewage would be transported by truck to the Gresham WTP.

As documented below, the statutory criteria for a Goal 11 exception to allow a change in the method of sewerage conveyance from the high school to the City of Gresham’s municipal system are found in ORS 197.732(2)(c), as implemented by OAR 660-004-0020(

Criterion (4) is not relevant to this proposal. Criteria (1) – (3) are addressed below.

(1) The plan revision is consistent with the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes;

Relevant portions of ORS 197.732 are quoted below:

(1) As used in this section: (a) "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(b) "Exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (A) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (B) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (C) Complies with standards under subsection (2) of this section.

(2) A local government may adopt an exception to a goal if: (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal; (b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or (c) The following standards are met: (A) Reasons justify why the state policy embodied in the applicable goals should not apply; (B) Areas that do not require a new exception cannot reasonably accommodate the use; (C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and (D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Proposed Findings: ORS 197.732(2) identifies two types of exceptions: (1) where a site is "physically developed" or "irrevocably committed" for a use that is not allowed by (in this case Goal 3 – Agricultural Lands) – commonly known as a "built and committed exception"; or (2) where there are "reasons that justify why the state policy embodied in a goal" (in this case Goal 11 – Public Facilities and Services) should not apply to a specific area or activity – commonly known as a "reasons exception".

- The high school site already has a "built and committed" exception – acknowledged by LCDC in 1980. ORS 197.732(8) recognizes that an acknowledged goal exception is not

subject to ORS 197.732 provisions.¹ This exception was adopted as part of the comprehensive plan and justified zoning the high school site MUA-20 (an exception area zone) rather than Exclusive Farm Use (a resource zone). The “built and committed exception” also recognized that sewage would be trucked from a high school holding tank to the Gresham WTP.

- A **reasons exception** is required because Goal 11 (Public Facilities and Services) prohibits the extension of sewer systems, including sewer lines and pump stations, to serve rural land outside of urban growth boundaries:

“Local Governments shall not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries...”

The proposed exception would allow a change in how the high school sewerage is conveyed to the Gresham WTP – via extension of a sewer pipe rather than truck.

In this case, **ORS 197.732 Goal Exceptions** is implemented² by and **OAR 660 Division 004 Interpretation of Goal 2 Exceptions Process**³ and **OAR 660 Division 11 (Public Facilities and Services)**. These rules cross-reference one another – so it is necessary to jump back and forth between the two rules. At the end of the day, OAR 660-004-0020(2)(a)-(d) are the relevant reasons exception review criteria for the proposed sewer line extension.

OAR 660-004-0020(1) states that:

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.

¹ “An exception acknowledged under ORS [197.251 \(Compliance acknowledgment\)](#), [197.625 \(Acknowledgment of comprehensive plan or land use regulation changes\)](#) or [197.630](#) (1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not subject to this section.”

² ORS 197.732 (3) *The commission shall adopt rules establishing: (a) That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use; (b) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (2)(c)(A) of this section; and (c) Which uses allowed by the applicable goal must be found impracticable under subsection (2) of this section.*

³ Statewide Planning Goal 2 (Land Use Planning) includes provisions for taking a Goal 2, Part 2(c) exception – which is also known as a “reasons exception”. The text of Goal 2, Part 2(c) is quoted below and is mirrors the text in ORS 197.732 and OAR 660-004-0020:

A local government may adopt an exception to a goal when: ... (c) The following standards are met: (1) Reasons justify why the state policy embodied in the applicable goals should not apply; (2) Areas which do not require a new exception cannot reasonably accommodate the use; (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

OAR 660-004-0000(1)(a) states that:

(a) Standards for a demonstration of reasons for sanitary sewer service to rural lands are provided in OAR 660-011-0060(9);

660-004-0010(c) Application of the Goal 2 Exception Process to Certain Goals references **OAR 660-011-0060(9)** regarding a Goal 11 reasons exception (in this case to extend a sewer system to serve a rural use):

(1) ... The exceptions process is generally applicable to all or part of those statewide goals that prescribe or restrict certain uses of resource land, restrict urban uses on rural land, or limit the provision of certain public facilities and services. These statewide goals include but are not limited to: ... (c) Goal 11 "Public Facilities and Services" as provided in OAR 660-011-0060(9);

OAR 660-011-0060(9) identifies two specific reasons for justifying a Goal 11 exception. It also allows for other rationales to justify a Goal 11 exception:

Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following: (a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or (b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.

Neither of the two explicitly listed reasons applies to Sam Barlow High School situation. There is no “imminent and significant public health hazard,” nor is the subject site subject to a federal law exemption. Instead, the District’s proposed Goal 11 exceptions falls into the “not limited to” category.

Since the Goal 11 rule provides a path for a reasons exception that is not specifically listed in Section (9), but presents no specific standards for this path, the exception must be based on a more general rationale found in OAR 660-004-0020 related to reasons exceptions.

OAR 660-004-0020(1)-(4) interprets the text of ORS 197.732(2)(c) with respect to reasons exceptions. Subsection (1) reads as follows:

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.

OAR 660-004-0022 states in relevant part that:

Reasons that may allow an exception to Goal 11 to provide sewer service to rural lands are described in OAR 660-011-0060.

But, it has been shown that OAR 660-011-0060(9) provides no specific standards for an exception that merely changes the method of conveyance of wastewater from a high school in a rural area to a municipal treatment system.

OAR 660-004-0020(2) interprets the four standards found in Goal 2, Part 2(c) and ORS 197.732(2)(c):

(2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements: (A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified; (B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed: (i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not? (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not? (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not? (iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not? (C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that

the sites are more reasonable, by another party during the local exceptions proceeding.

(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Each of the Section 0020(2)(a) through (d) criteria for a general Goal 11 reasons exception are addressed below:

OAR 660-004-0020(2):

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply."

Proposed Findings: The state policy embodied in Goal 11 is that sewer services – including sewer lines and pump stations – shall not be extended to rural areas. This policy should not apply *in this case* because the high school is already served by Gresham's municipal treatment system – and has been since 1968. Only the method of conveying sewage from the high school

to the existing system will change. No other rural properties will be allowed to connect to this dedicated sewer line.

A Goal 2 “built and committed” exception was approved by Multnomah County as part of the 1980 comprehensive plan, and subsequently acknowledged by the Land Conservation and Development Commission. The school is currently served by Gresham’s sewer system; waste from the school is trucked a sewer line inside the city of Gresham and treated at the Gresham WTP. The original exception recognized that sewer service is provided by the city of Gresham. For the last 50 years, site-generated sewage has been held in a tank, pumped out into trucks, transported to the city of Gresham each weekday, and then deposited into the city’s municipal system.

From an engineering and environmental perspective, connecting to a public sewer system is the most reliable and tested method for managing wastewater flow. DEQ generally prefers connecting to municipal systems over on-site treatment.⁴ On-site systems are more prone to failure and (in the case of the school) trucking sewage could result in spills and environmental problems.

Practically, Gresham is already accepting the school’s sewage, so a pipe is nothing more than a change in the method of conveyance. Finally, the school has been in this location for 50 years and is not going to move. Indeed, voters recently approved a bond measure supporting improvements at this location. Other properties are prohibited from connecting to the new sewer line until the UGB is expanded, thus removing the potential for it to facilitate urban levels of development in this rural area.

Coordination with the city of Gresham has occurred and the city has expressed a willingness to allow the extension of a new sewer main to with the city’s wastewater system. Gresham has been consulted regarding the proposed Goal 11 exception, consistent with the city’s Urban Growth Management Agreement with Multnomah County. Appendix A includes the intergovernmental agreement between the City and the District to treat high school wastewater that is trucked to a

⁴ See, for example, OAR 340-071-013(10) which states that:

“Future connection to sewerage system. DEQ encourages placing plumbing in buildings to facilitate connection to a sewerage system in areas where a district has been formed to provide sewerage facilities.”

Similarly, OAR 340-071-160(4) authorizes denial of on-site treatment systems if, under subsection (f): |

“A sewerage system that can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection. (A) Physical availability. A sewerage system is considered available if topographic or man-made features do not make connection physically impractical and one of the following applies: (i) For a single family dwelling or other establishment with a maximum projected daily sewage flow not exceeding 899 gallons, the nearest sewerage connection point from the property to be served is within 300 feet. (ii) For a proposed subdivision or group of two to five single family dwellings or other establishment with the equivalent projected daily sewage flow, the nearest sewerage connection point from the property to be served is not further than 200 feet multiplied by the number of dwellings or dwelling equivalents. (iii) For proposed subdivisions or other developments with more than five single family dwellings or equivalent flows, the agent will determine sewerage availability. (B) Legal availability. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service.

designated manhole within the city limits. If Multnomah County approves the Goal 11 exception, the intergovernmental agreement will be changed to address the method of conveyance.

(b) "Areas that do not require a new exception cannot reasonably accommodate the use".

Proposed Findings: This criterion is intended to protect resource land and places a heavy burden on a property owner who wishes to use farm or forest land for non-resource uses. For example, if a new industrial use requested a location on EFU or CFU land, the applicant would need to explain why the proposed use could not reasonably be sited within an urban growth boundary, in an exception area, or on non-resource land.

In this case, the high school is located on a site that already has an approved and acknowledged "built and committed" exception. This exception recognizes the existing method of school wastewater conveyance (by truck) to be treated by Gresham's municipal system. The extended sewer line and pump station will be constructed within the Lusted Road right-of-way and will connect the high school (located in an exception area) to Gresham's wastewater collection system within the Metro UGB. Therefore, no farm or forest resource land will be affected by the sewer line extension.

Goal 11 prohibits the extension of sewer lines in rural areas to discourage urban growth (supported by sanitary sewer service) in rural area outside of UGBs. This Goal 11 reasons exception will apply to the Sam Barlow High School site only; no other rural properties will be permitted by Gresham or Multnomah County to connect to this dedicated sewer line until land is added to the Metro. Thus, extending the sewer line to serve the high school will not encourage urban development outside of the Metro UGB.

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

Proposed Findings: The area for which the exception is taken is entirely within the right of way of Lusted Road, between Sam Barlow High School and the Gresham city limits. This is identified on Figure 1 of this document. Because the source (the high school) is completely surrounded by resource lands, there are no alternatives that do not require a new exception, if they also provide a sewer connection to the school.

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

Proposed Findings: The school site already has a "built and committed" exception, therefore subsection B is not applicable to that site. For the land that will accommodate the proposed

sewer pipe in Lusted Road, there is no more direct route between the school and the municipal sewer system than the one selected. A new exception would be necessary for any alignment of a sewer connection between the school and Gresham's system, since the school is surrounded by resource land.

- (i) *Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?*

Proposed Findings: No. The school is located on a site that already has an exception. The land for the sewer pipe itself is in Lusted Road right of way, the least-impact, most direct path to the nearest point of connection within Gresham city limits.

- (ii) *Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?*

Proposed Findings: No. The school is located on a site that already has an exception. The proposed sewer line connection is within Lusted Road right of way, which is not itself committed to resource uses. There is no more direct, less impactful path for the sewer line than the one proposed.

- (iii) *Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?*

Proposed Findings: No. That sewer service must extend outside the UGB is entirely the point. Sewer service to the long-established, already-approved school use must connect to a municipal treatment system. A municipal treatment system does not exist outside the urban growth boundary. The school is located on a site that already has an exception. The proposed sewer line use needs to exist outside the UGB to connect the existing Gresham sewer system to the existing school.

- (iv) *Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?*

Proposed Findings: The existing school is already served by Gresham's municipal wastewater treatment system. The proposed goal exception simply changes the manner of conveyance. The most reasonable, economically rational, and environmentally safe method for conveying the sewer flows from the school requires a piped, public facility connection to Gresham's treatment facility.

- (C) *The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas*

in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Proposed Findings: The school district reviewed alternatives for methods of treatment. This analysis looked at different alignments for a pipe and also maintaining the status quo. Details are discussed later in this document. Looking at alternative locations for the school itself is unnecessary because school already exists where it was approved by the County in 1964. The school site has a built and committed exception.

Conclusion: In this case, areas that do not require a new exception can not reasonably accommodate the use. The new reasons exception applies to construction of a sewer line and pump station from a site that already has a built and committed exception and within the Lusted Road right-of-way.

- (c) “The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site.”

Proposed Findings: This criterion also focuses on resource land protection and places a heavy burden on proposals to place urban uses on farm or forest land through the reasons exception process. In most cases, the ESEE consequences analysis is intended to evaluate the relative impacts of locating a non-resource use on farm or forest land, when compared with locating the same use in an exception area.

In this case, the high school site is already located in an exception area, so that (in this respect) this criterion is not applicable to extension of a sewer line within a public right-of-way.

Nevertheless, both the City’s decision to locate a future sewer trunk line in the Lusted Road right-of-way and the school district’s decision to seek this Goal 11 exception are based on alternatives analyses that considered economic, social, environmental, and energy consequences.

Sewer Line and Pump Station Location

The *Gresham Wastewater Pump Station Master Plan* (2008, Carollo Engineers) shows the preferred location of the sewer line within the Lusted Road right-of-way to serve the school and/or future urban development (after land has been added to the UGB).

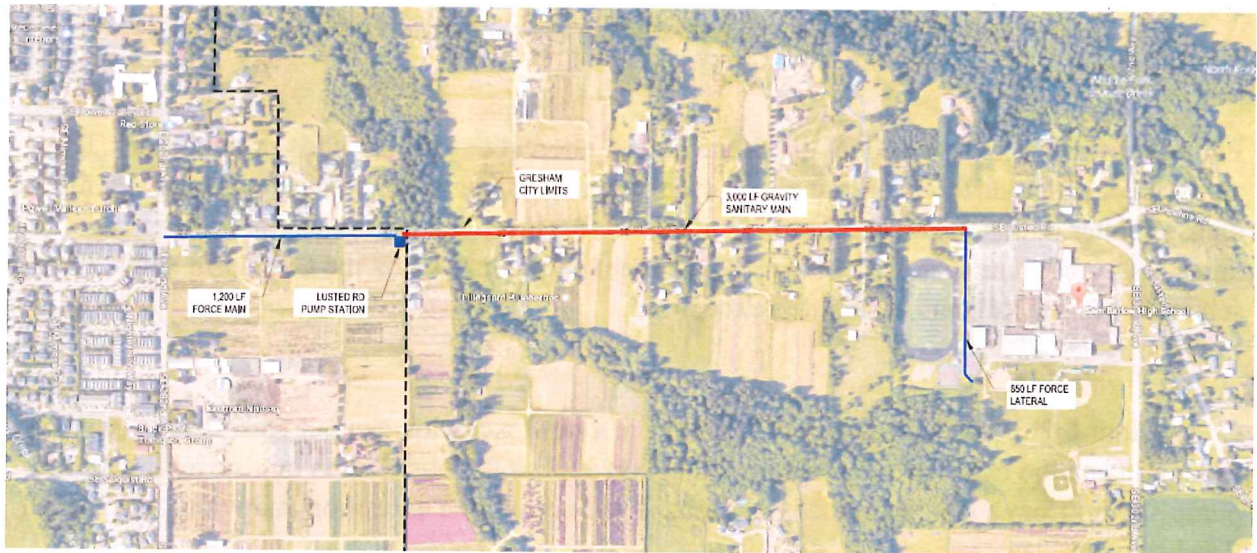


Figure 1. Detail from Gresham Wastewater Pump Station Master Plan

The *Gresham Wastewater Pump Station Master Plan* (pp. 8-14) considered three options for sewer line construction and pump stations:

Given the topography of Lusted Road, based on the City's GIS data, the school will be unable to pump from the school all the way to the City system due to a natural low point in Lusted Road at its crossing of Beaver Creek. A force main crossing a natural low point such as this will result in ponding of wastewater in the force main, which can lead to odors and pipe corrosion. Two alternatives were developed to identify the best option for extending the school sewer system to the City sewer once the school flows have reached this low point at Beaver Creek.

One option relies on a new gravity sewer main along Beaver Creek north of Lusted Road to the proposed pump station in 282nd Avenue, as discussed above. If this gravity line were installed to serve the 17-acre area, the school could also discharge wastewater to this line. Figure 6 depicts this option. The potential pump station on 282nd Avenue, summarized above as Option 1 and Option 2 to serve the areas within the City Limits, would need to be appropriately sized to handle the school flows.

The second option is to construct a second pump station near the Beaver Creek crossing as presented in Figure 7. A pump station with the ability to pump 120 gpm @ 44 feet TDH. is calculated to be adequate for this location (if serving only the

school). ...The force main would need to extend from Lusted Road to the nearest manhole in 282nd Avenue (Manhole 3558-6-108) with an invert elevation of 481.15 feet.

The Master Plan considered the relative long-term cost of each option (economic consequences). It considered the environmental impacts of each option, in terms of impacts to Beaver Creek. It considered the social costs, in terms of how best to provide sewer service to anticipated residential and institutional development in the Urban Reserve Area. Finally, it considered energy costs, in terms of fuel consumed by trucks vs. relying primarily on gravity to convey sewage. Based on this analysis, the Master Plan concludes (p. 15) that:

As seen on Table 6, the 50-year NPW cost comparison results in a lower cost to construct a [sewer line and] pump station at the Sam Barlow High School than continuing hauling sewage. The cost to haul wastewater may also significantly increase due to higher fuel prices, as experienced in the last few years.

Table 6 NPW Cost Comparison for Sam Barlow HS Wastewater Pump Station Master Plan City of Gresham					
Pump Station Option	Annual O&M	Capital Expenditures (Present Worth)			Net Present Worth
		2010	2035	2055	
Continue Hauling Wastewater (\$50k/year)	-	-	-	-	\$1,329,000
Construct PS at School	\$150,000	\$649,000	\$22,000	\$12,000	\$931,000 ⁽¹⁾
⁽¹⁾ Table does not show costs to continue pumping for 2008 and 2009, as included in total NPW					

Implementation of this option outlined in the master plan depends on approval of this Goal 11 exception, or expansion of the UGB to include the designated Urban Reserve that includes the high school property. Gresham Public Works staff strongly support a permanent piped connection between Sam Barlow High School and the municipal treatment system and have begun work on amending the IGA to address the proposed sewer line extension and pump station.

Sewage Treatment Alternatives Analysis

The District considered three alternatives to for sewerage treatment in 2017 prior to making its decision to pursue extension of a sewer line from the Gresham to the high school site:

- A. **Status Quo:** Continue to collect high school sewerage in a holding tank and truck the sewerage daily into Gresham.
- B. **Option 1:** Extend a new sewer line 4,200 feet beneath Lusted Road from the northwest corner of school property to the existing system at SE 282nd Avenue. This would connect Sam Barlow High School to the Gresham sewage collection system via a pump station.

This approach is also consistent with the Gresham Wastewater Pump Station Master Plan.

- C. **Option 2:** Design and build an on-site sewage treatment system that meets County and DEQ requirements.

Status Quo

The District would continue to collect high school sewerage in a holding tank and truck sewerage daily to Gresham High School – which is connected to the Gresham sewerage treatment system. The city of Gresham has treated Sam Barlow’s sewerage since the high school opened in 1968.

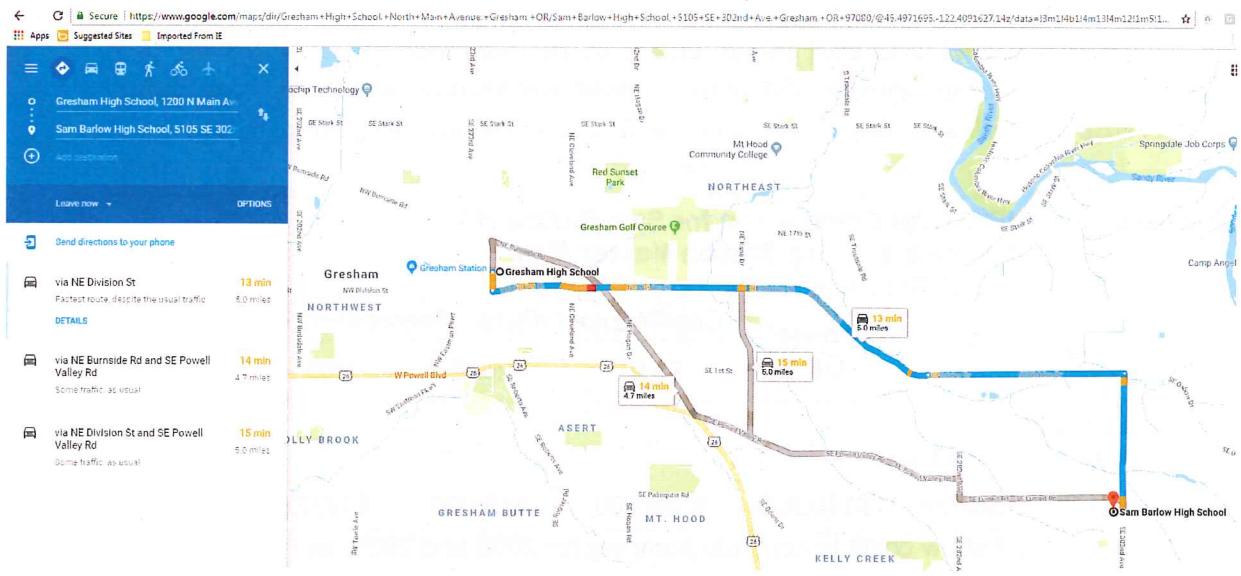


Figure 2. Truck routes from Sam Barlow site

Advantages: This approach continues an established practice and does not require a statewide goal exception.

Disadvantages: The process requires daily pumping from the school’s holding tank to a truck, and transport (~ five miles) to a manhole near Gresham High School. By intergovernmental agreement, the District pays the city of Gresham as if Sam Barlow High School were inside the City Limits.

ESEE Consequences: The Status Quo Option:

- (1) Would have adverse economic consequences when compared with Option 1, because transporting wastewater by truck costs more in the long-term.
- (2) Would have adverse social consequences, because the sewer line would not be available to provide public wastewater collection facilities to serve future residential growth in the Urban Reserve Area

when the UGB is eventually expanded to provide residential development.

- (3) Could have adverse environmental consequences due to the potential for spilled wastewater when transported by truck vs. a below-ground sewer line.
- (4) Would have adverse energy consequences, because trucks use more energy than gravity flow sewer, even after considering the energy required for a pump station.

Option 1 – Extend Gresham Sewer Line to Serve the School Site

Option 1 would extend the new sewer line about 4,000 feet from the terminus of the existing line to the high school. The line would be sized to serve planned future urban development the UGB is expanded to include land within the Urban Reserve. The sewer line would be constructed within the Lusted Road right-of-way – which is owned by the county. The dedicated sewer line would connect Sam Barlow High School to the Gresham sewage collection system inside the UGB and would require an interim pump station to pass over the Beaver Creek tributary. Multnomah County would own the sewer line but would not allow any other properties outside the UGB to connect to the dedicated sewer line. The city of Gresham would continue to treat Sam Barlow High School’s sewerage as it has since the high school opened in 1968.

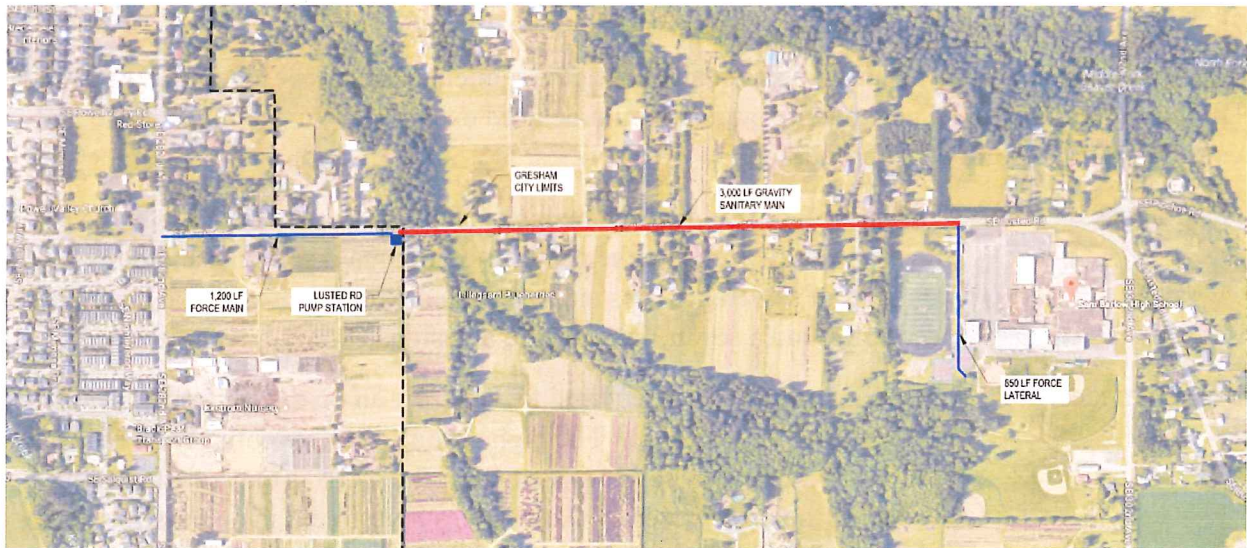


Figure 3. Proposed sewer pipe alignment

Advantages: This approach would allow high school sewerage to connect to a sewer line located beneath Lusted Road, and would eliminate the need for holding tanks, trucks and daily transport of sewerage. This approach is consistent with the longer-term need to extend a sewer line to serve a designated urban reserve area.

Disadvantages: A Goal 11 exception is required to extend a sewer line outside the UGB. The District would need to pay for the cost of extending this line to serve

the school. A pump station will be needed to account for the lower elevation stream corridor near the City Limits.

ESEE Consequences: Option 1 (preferred option):

- (1) Would have positive adverse economic consequences when compared with the status quo option, because transporting wastewater by truck costs more than using gravity in the long-term.
- (2) Would have positive social consequences, because the sewer line would be available to provide public wastewater collection facilities to serve future residential growth in the Urban Reserve Area when the UGB is eventually expanded to provide residential development.
- (3) Would have positive environmental consequences because there would be less potential for spilled wastewater when transported by truck vs. a below-ground sewer line; potentially adverse environmental consequences on Beaver Creek would be minimized by pumping sewerage over the creek.
- (4) Would have positive energy consequences, because trucks use more energy than gravity flow sewer, even after considering the energy required for a pump station.

Option 2 – Construct a New On-Site System

The District could design and build an on-site sewage treatment system that meets County and DEQ requirements. The new on-site system would be used exclusively by the high school and could not serve neighboring properties.

Advantages: This approach would allow the high school to treat its own sewerage on site and would eliminate the need for holding tanks, trucks and daily transport of sewerage. This approach is not consistent with the longer-term need to extend a sewer line to serve a designated urban reserve area.

Disadvantages: A Goal 11 exception is required to construct an on-site sewerage system for this urban high school. The high school would eventually be required to hook-up to the city sewer system after the UGB is expanded into this portion of the urban reserve. This makes investment in an on-site system riskier and would likely result in increased costs for the District, when compared with Option 1.

ESEE Consequences: Option 2:

- (1) Would have adverse economic consequences when compared with Option 1, because the District would be constructing an on-site treatment system that could soon be obsolete.
- (2) Would have adverse social consequences, because the sewer line would not be available to provide public wastewater collection facilities to serve future residential growth in the Urban Reserve Area

when the UGB is eventually expanded to provide residential development.

- (3) Would probably not have adverse environmental consequences if the system is well-design.
- (4) Would probably not have adverse energy consequences, because trucks use more energy than treating sewerage on-site.

ESEE Conclusion: Option 1 – constructing a sewer line and pump station to transport wastewater to the Gresham WTP has the fewest adverse ESEE consequences compared with the status quo option and Option 2.

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

Proposed Findings: Approval of a reasons exception to change the method of conveyance of Sam Barlow High School sewage would be compatible with adjacent farming and rural residential development and will have no effect on the land use pattern in the vicinity. The sewer line will be constructed to city standards within the Lusted Road right-of-way, recognizing that the school site is within the urban reserve area and will eventually be included within the Metro UGB. However, no additional properties outside the UGB will be allowed to connect to this line until the land is added to the Metro UGB.

In 2018, Multnomah County approved a nonconforming use application to allow expansion of the school and related campus improvements (County case file T2-2017-9119). To approve the school expansion, the county found that there would be not significant impacts on neighboring properties. Consequently, the school is non-conforming with respect to this use regulation of the MUA-20 zone. The County found that the standards and criteria of expansion of an existing non-conforming use were met.

Sanitary sewer service is necessary for the high school to operate as it has since it opened in 1968. As noted above, Sam Barlow High School is unusual in that wastewater is collected in a holding tank and trucked to Gresham for treatment. Although school capacity has increased slightly over the "approximately 1500 students" approved with the original building, sewerage flows from the remodeled and expanded school will decrease. Lower overall flow into the sewer system is due to efficiency measures incorporated into the new design. (Applicant communication with Interface Engineering, March 2018) The primary purpose of the proposed exception is to increase the efficiency and decrease the long-term cost of conveying sewage from the high school to Gresham's municipal system.

Finally, daily truck trips to and from the school will be eliminated, thus reducing the potential for accidents and conflicts with farm equipment and neighboring residential traffic. The potential for spillage due to a vehicle accident will be eliminated. The sewer line will be constructed below ground, and so will have no visible or olfactory impacts.

Division 004 General Reasons Exceptions Standards

Goal 11 is implemented by OAR 660 Division 11, Public Facilities and Services. General Standards for Reasons Exceptions: OAR 660-004-0020(1)-(4). As documented below, the proposal meets the standards for a Goal 11 reasons exception as set forth in ORS 197.732(2) as implemented by OAR 660-004-0020(1)-(4).

- **Section 0020(2)** of the rule mirrors and refines ORS 197.732(2) by stating that a reasons exception must be supported by substantial evidence and must explain why a use (in the case a sewer line outside of the UGB) that is not allowed by a statewide planning goal (in this case Goal 11) should be provided for.
- **Section 0020(3)** explains the purpose of the rule exceptions process – which is to permit necessary flexibility in the application of the statewide planning goals, that citizens can be involved in the review process, and to assure that findings adequately support a local government decision to approve a reasons exception.⁵

This application provides factual basis and reasoning to support the Goal 11 reasons exception. Procedural requirements set forth in Section 0020(3) will be met through Multnomah County's public notification and hearing process. Since this is a comprehensive plan amendment, public hearings will be required before both the Multnomah County Planning Commission and Board of County Commissioners.

As required by statute and rule the proposed Goal 11 reasons exception, when adopted by Multnomah County and acknowledged by the Land Conservation and Development Commission, will be consistent with ORS 197.732 and Division 004 because the exception will:

- (A) be adopted as part of the comprehensive plan;
- (B) be applied to a specific property (the school site); and
- (C) will not establish planning or zoning policy of general applicability – because the Goal 11 exception is limited to extending a sewer line to serve the high school.

⁵ (2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons that explains why the proposed use not allowed by the applicable goal, or a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use, should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.

(3) The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to: (a) Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and (b) Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide goal.

OAR 660-011-0060 applies to extension of sewer lines to serve rural areas and does not allow extension of sewer lines outside of UGBs. **OAR 660-011-0060(9)** allows local governments to approve an exception to this requirement, provided that (a) the standards for a Goal 11 exception are met and (b) that Multnomah County adopts (or has) land use regulations that prohibit the sewer line extension from serving any uses or areas other than the school unless and until the urban growth boundary is expanded.

The following sections evaluate standards for a Goal 11 exception to allow extension of sewer lines outside the UGB to serve the high school.

OAR 660-004-0022(1) sets forth the general approval standards for a reasons exception – including a Goal 11 exception that does not meet the specific conditions set forth in OAR 660-011-0060(9):

- (1) For uses not specifically provided for in this division, or in **OAR 660-011-0060**, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following: (a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either (A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or (B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.*
- (2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:*
- (3) (a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;*

Proposed Findings: The Multnomah County Code does not allow extension of sanitary sewer service to community service uses such as high schools in rural areas unless a Goal 11 exception has been acknowledged as an amendment to the Multnomah County Comprehensive Plan. Based on the committed exception, Sam Barlow High School site was and continues to be zoned MUA-20. The MUA-20 zone allows community service uses (including schools) pursuant to Multnomah County Code (MCC) 11.15.7005 through .7041. MCC 11.15.7020.A.20 allows

schools; Subsection B. states that “Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

However, **MCC 11.15.7015.D** states that: “The [school use] will not require public services other than those existing or programmed for the area.” Public sewer service will not be programmed for the area until the area is added to the Metro UGB.

To extend the sewer line to connect with the school wastewater collection system, Multnomah County needs to adopt this Goal 11 exception, including the reasons justifying this exception, as part of its comprehensive plan. Substantial evidence for this decision is provided in Background Section of this document.

The Goal 11 chapter of the Multnomah County Comprehensive Plan (p. 11-3) recognizes that treatment of school-generated sewage at the Gresham WTP is “rare case”. To make sure that **Chapter 11 Public Facilities** of the Multnomah Comprehensive Plan should be amended as **shown in bold font** below:

*“In rural Multnomah County, most sewer, water, and drainage facilities are installed and maintained on-site by individual property owners or other private entities with the exception of road drainage facilities. For most rural households and businesses, domestic water is obtained via private wells and most wastewater is treated by on-site septic systems although municipal sewer service is provided in a few scattered locations inside the Urban Growth Boundary per agreements with other providers (e.g., Cities of Fairview, Gresham, and Portland, or Alto Park, Burlington, and Corbett Water Districts). Additionally, Multnomah County operates the Dunthorpe-Riverdale Sanitary Service District, which provides sanitary sewer to residents in the unincorporated Dunthorpe neighborhood as well as a few properties in Clackamas County and the City of Portland. **Except for Sam Barlow High School which has an approved Goal 11 exception to allow extension of a city of Gresham sewer line to serve the school site (but no other rural land), no additional municipal service is planned for the rural areas in the future. In a few rare cases, wastewater is collected in storage tanks and transported off-site for treatment. Acknowledgement of the Goal 11 exception for Sam Barlow High School means that wastewater will no longer be transported by truck to be treated at the Gresham Wastewater Treatment Facility.”***

(2) The proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use;

Proposed Findings: In 2016, Multnomah County completed a major update of its comprehensive plan. The plan update was adopted by County Ordinance 1235 and subsequently acknowledged by LCDC. The updated plan does not include policies that would be violated if

the exception is approved. Moreover, the plan does not appear to include or reference the Goal 2 Exceptions document that was adopted with the 1980 plan.

However, the revised Goal 11 Public Facilities and Services chapter (p. 11-3) includes text that recognizes cases where wastewater is stored and transported off-site for treatment:

“In a few rare cases, wastewater is collected in storage tanks and transported off-site for treatment.”

One of these “rare cases” is the Sam Barlow high school site. Since this text is included in the acknowledged Multnomah County Comprehensive Plan (p. 11-3) and is based on the “built and committed exception” acknowledged in 1980, the county “extended” access to the Gresham sewer system outside of the regional urban growth boundary when it approved high school development in 1964. Thus, the county effectively took a Goal 11 exception to allow this rural site to “connect” to the city’s sanitary sewer system—via truck—as part of the “built and committed” exception taken in 1979 and acknowledged in 1980.

(3) The uses allowed by the proposed changes will: (a) Not destabilize the land use pattern in the vicinity; (b) Not conflict with existing or planned uses on adjacent lands; and (c) That necessary public services are or will be available to serve allowed uses.

Proposed Findings: Approval of a reasons exception to change the method of conveyance of Sam Barlow High School sewage will have no effect on the land use pattern in the vicinity. The sewer line will be constructed to city standards within the Lusted Road right-of-way, recognizing that the school site is within the urban reserve area and will eventually be included within the Metro UGB. However, no additional properties outside the UGB will be allowed to connect to this line until the land is added to the Metro UGB.

In 2018, Multnomah County approved a nonconforming use application to allow expansion of the school and related campus improvements (County case file T2-2017-9119). To approve the school expansion, the county found that there would be not significant impacts on neighboring properties. Consequently, the school is non-conforming with respect to this use regulation of the MUA-20 zone. The County found that the standards and criteria of expansion of an existing non-conforming use were met.

Sanitary sewer service is necessary for the high school to operate as it has since it opened in 1968. As noted above, Sam Barlow High School is unusual in that wastewater is collected in a holding tank and trucked to Gresham for treatment. Although school capacity has increased slightly over the “approximately 1500 students” approved with the original building, sewerage flows from the remodeled and expanded school will decrease. Lower overall flow into the sewer system is due to efficiency measures incorporated into the new design. (Applicant communication with Interface Engineering, March 2018) The primary purpose of the proposed exception is to increase the efficiency and decrease the long-term cost of conveying sewage from the high school to the Gresham WTP.

Conclusion

In conclusion, the proposed statewide planning goal exception is to allow the extension of a sewer pipe that will serve Sam Barlow High School. The school has been served by the municipal system, via trucking the waste into Gresham, for nearly 60 years, since the school was first constructed. This exception will allow permanent infrastructure—a pipe in the Lusted Road right of way—to perform the same activity. The purpose of the land use regulations that limit the ability of the school district to build this conveyance system without a goal exception is to protect farmland. As demonstrated in the findings above, the proposed sewer pipe, which is located entirely within road right of way and will not be available for hookup by any other user, does not have any impact on farm activities. The proposed change in conveyance method for school sewer flows is reasonable and meets all the applicable regulations.

Appendix 1 – Land Use History

In 1964, Multnomah County approved a conditional use permit to allow the construction of Sam Barlow High School. The school was designed to accommodate about 1,500 students and 80 employees. Figure 1 shows the location of the proposed school and is copied from the District's land use application. (Please see Attachment 1 – CS-9-64).

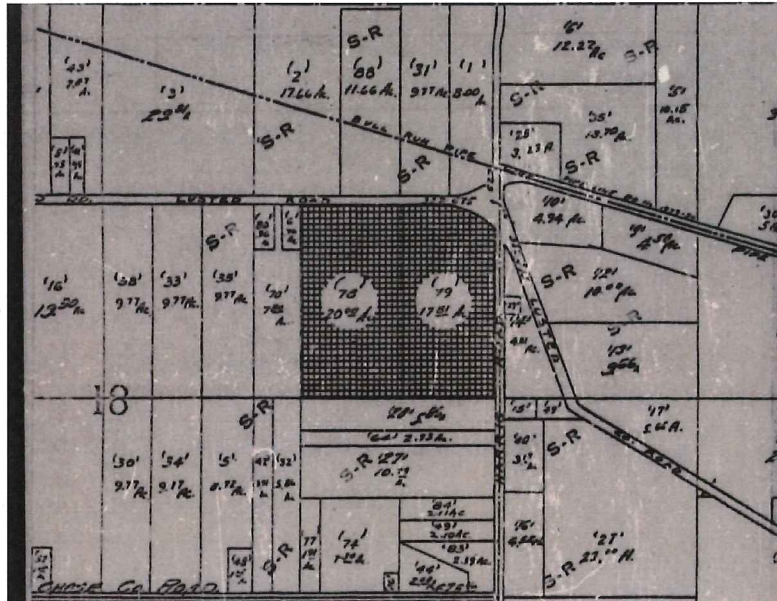


Figure 4. Tax Map (1964) Showing Location of Proposed High School

Sanitary Waste Disposal

The Gresham Union High School District originally proposed on-site treatment of sewerage with a cesspool / septic tank system. However, the County Sanitarian did not support this method of sewage treatment. The District then reached an agreement with the City of Gresham to treat high school waste off-site, at the Gresham WTP. Because of this decision, the County Sanitarian recommended approval. Per an intergovernmental agreement with the city of Gresham, sanitary waste from the high school continues to be stored in a holding tank and transported daily by truck to Gresham High School, where the waste is pumped into a public sewer line and processed at the Gresham Wastewater Treatment Plant at 20015 NE Sandy Boulevard. Thus, the school is already “connected” to the city’s sewer system – which includes the wastewater treatment plant and sewer mains. The sole reason for the proposed Goal 11 exception is to allow a dedicated sewer line to be extended to connect the existing “built and committed” high school site to Gresham’s sanitary sewer system.

Date February 25, 1964

APPLICANT Gresham Union High School Dist. U2-20 Jt.

LOCATION The Southeast One-quarter (1/4) of the Northeast one-quarter (1/4) of Section Eighteen (18), Township One South, Range Four East, Tax Lot Number Seven (7), containing 37.81 acres, more or less.

COUNTY HEALTH DEPARTMENT (Sanitation)

The proposed use of this property for a high school

(can ~~be~~) be adequately served with ~~sewer~~ primary sewage treatment ~~sewer~~ plant ~~system~~.

The County Health Department therefore recommends Approval/~~Disapproval~~ of this application.

(Please cross out words not applicable).

Stanley L. Carr
County Sanitarian

Figure 5. Sanitarian Service Provider Letter (1964)

1968 Construction

Sam Barlow High School was constructed in 1968. The school was operational when Senate Bill 100 (Comprehensive Planning) was enacted in 1973. In 1975, the Oregon Land Conservation and Development Commission adopted Statewide Planning Goal 3 (Agricultural Lands).

Acknowledged Goal 3 Agricultural Lands Exception

In 1977, Multnomah County adopted a new comprehensive plan to comply with Oregon's statewide planning program. In 1980, the Land Conservation and Development Commission acknowledged Multnomah County's plan as complying with applicable statewide planning goals. The comprehensive plan included a Goal 2, Part II exception to Statewide Planning Goal 3 (Agricultural Lands) that explained why the Sam Barlow High School site was "built and committed" to non-farm use.

The high school site was zoned MUA-20 (Mixed Use Agriculture) because of this exception. The MUA-20 zone allows agricultural uses but does not protect agricultural land to the extent required by Goal 3. For example, community service uses (such as schools) are listed as a conditional use in the MUA-20 zone without having to take a new Goal 3 exception.

Winterbrook Planning has queried Multnomah County and Department of Land Conservation and Development staff and records in search of the exception document. This effort was unsuccessful. However, Greg Winterowd, who led the Department of Land Conservation and Development's review in 1980, recalls that the goal exception recognized that the high school

was served by the city of Gresham sewer system, despite its location outside the regional urban growth boundary.⁶

Subsequent Permit History

The permit history on the site consists of numerous building permits going back to 1967. These include the original construction of the high school, accessory structures like the pool building and a greenhouse, upgrades of mechanical and life safety systems like HVAC and fire sprinklers, and alterations and additions to the school building. Land use reviews were approved for a school and gym addition in 1997, replacement of tennis courts in 1999, and artificial turf fields in 2006. Earlier this year, the County approved construction of a wireless communications tower and associated equipment building next to the tennis courts (T2-2016-5224). The location of the not-yet-built cell tower is shown on the plans.

Bond Funding

In 2016, the District passed a bond measure to pay for school expansion and facility improvements. The focus of improvements to this project will be in four key areas: new and renovated classrooms with modern technology, remodel and expansion of arts and theater spaces, safety and security improvements campus-wide and major improvements/additions to the stadium and track. The bond measure includes sufficient funds to pay for the extension of an existing sewer line eastward (beneath Lusted Road) to serve the expanded school, which on the long-term is more cost-effective, less risky, and more energy-efficient than transporting school wastewater by truck.

2016 Multnomah County Comprehensive Plan Update

In 2016, Multnomah County completed a major update of its comprehensive plan. The plan update was adopted by County Ordinance 1235 and subsequently acknowledged by LCDC. The updated plan does not appear to include or reference the Goal 2 Exceptions document that was adopted with the 1980 plan.

However, the revised Goal 11 Public Facilities and Services chapter (p. 11-3) includes text that recognizes cases where wastewater is stored and transported off-site for treatment:

In a few rare cases, wastewater is collected in storage tanks and transported off-site for treatment.

One of these “rare cases” is the Sam Barlow high school site. Since this text is included in the acknowledged Multnomah County Comprehensive Plan (p. 11-3) and is based on the “built and committed exception” acknowledged in 1980, the county “extended” access to the Gresham sewer system outside of the regional urban growth boundary when it approved high school development in 1964. Thus, the county effectively took a Goal 11 exception to allow this rural

⁶ Greg Winterowd served as the lead reviewer for the urban area portion of the county comprehensive plan and recalls reviewing this exception because it involved an unusual situation: the extension of an urban sewer system outside the regional UGB to serve Sam Barlow High School.

site to “connect” to the city’s sanitary sewer system—via truck— as part of the “built and committed” exception taken in 1979 and acknowledged in 1980.

2018 High School Expansion Approval

In 2018, Multnomah County approved a nonconforming use application to allow expansion of the school and related campus improvements (County case file T2-2017-9119). The school had become nonconforming when the County adopted a new standard for the MUA-20 zone that schools be “limited in type and scale to primarily serve the needs of the rural area” (MCC 36.6010[I]). The catchment area of the school includes the east side of urbanized Gresham, as well as the surrounding rural lands. In percentage terms, more Sam Barlow students live in the urban areas than the rural ones, according to an estimate from the Sam Barlow principal. Consequently, the school is non-conforming with respect to this use regulation of the MUA-20 zone. The County found that the standards and criteria of expansion of an existing non-conforming use were met.

As noted above, Sam Barlow High School is unusual in that wastewater is collected in a holding tank and trucked to Gresham for treatment. Although school capacity has over the years increased slightly over the “approximately 1500 students” approved with the original building, sewerage flows from the remodeled and expanded school will actually decrease. Lower overall flow into the sewer system is due to efficiency measures incorporated into the new design. (Applicant communication with Interface Engineering, March 2018)