Department of Community Services
Land Use Planning Division
www.multco.us/landuse

Multnomah County

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PRE-APPLICATION CONFERENCE NOTES

This is an Informational Meeting and is not a Public Hearing

Case File No.: PA 2022 - 15566

[redacted]

Thursday, April 28, 2022 at 9:00 am PST
The referenced pre-application meeting will be limited to remote participation.

Participation Options and Instructions: This pre-application conference will be open to the public. Interested parties must register for this event via our website www.multco.us/landuse/public-notices.

The Virtual Meeting registration link and call-in information is found at tinyurl.com/PWB-Treatment and in the public notice under the project title *Portland Water Bureau Bull Run Filtration Project Pre-Application Meeting* at the following webpage: www.multco.us/landuse/public-notices.

WHAT: A Pre-Application Meeting is to be held on the date above to discuss the applicable Multnomah County Land Use Code and County Transportation requirements for the Portland Water Bureau Bull Run Filtration Project. This meeting is not a public hearing.

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

LOCATION: Water Filtration Facility:
Address: Across from 35319 SE Carpenter Lane, Gresham
Map, Tax Lots. 1S4E22D-00400 & 1S4E22D-00100
Alt. Acct. #R994220980 & R994220820 **Property ID** #R342619 & R342603

Proposed Pipelines: Portions of Dodge Park, Cottrell Rd, Lusted Rd, Altman Rd, and additional private easements (see Figure 1 for routes).

BASE ZONES: Water Filtration Facility: Multiple Use Agriculture-20 (MUA-20)

Proposed Pipelines: Multiple Use Agriculture-20 (MUA-20), Exclusive Farm Use (EFU), Commercial Forest Use (CFU), Rural Residential (RR)

OVERLAYS: Water Filtration Facility: Significant Environmental Concern for wildlife habitat (SEC-h) & water resources (SEC-wr) / Geologic Hazards (GH)

Proposed Pipelines: Significant Environmental Concern for wildlife habitat (SEC-h) & water resources (SEC-wr) / Geologic Hazards (GH)

APPLICANT: Bonita Oswald, Portland Water Bureau

Vicinity Map **N↑**

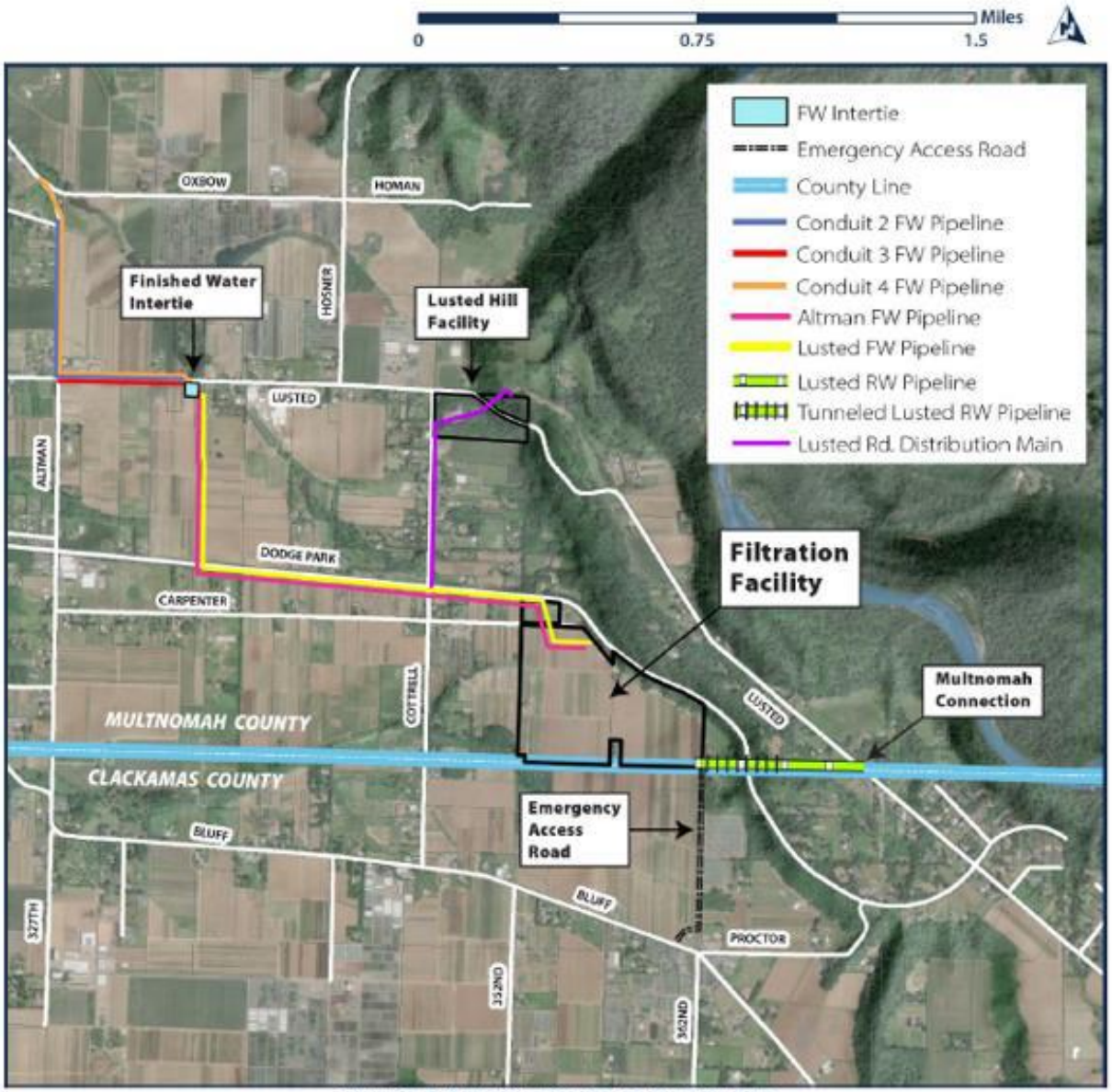

Figure 1. Bull Run Filtration Project Overview Map

CONTACT: After the meeting, please direct any questions regarding the criteria, the process, or the next steps, to case planner, Lisa Estrin, Senior Planner, at Multnomah County's Land Use Planning Division at (503)-988-0167 or LUPcomments@ multco.us. Please reference PA-2022-15566 in your communications.

The following is for informational purposes only. No approvals have been given and no final decisions have been made about this project. Until such time as the formal Land Use Applications are submitted and reviewed, no final decisions will be or have been made regarding the project's compliance with the land use regulations of Multnomah County.

Outline of the Pre-Application Meeting's Purpose and Process

I. Meeting Purpose:

(A) The Pre-Application meeting is to provide information to an applicant for a land use action that will assist them in completing the formal application that has yet to be submitted.

(B) The objectives of the meeting are for the applicant to provide a summary of its development proposal and for staff to provide feedback on likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

(C) A Pre-Application meeting is a standard requirement within six months of making a formal application for all Type III and Type IV land use permits. (MCC 39.1120).

II. Meeting Structure:

(A) This is not a public hearing and no final decisions will be made. The meeting is meant to inform the applicant and other parties of the code criteria that are likely to apply to the applicant's proposal.

(B) The Multnomah County planning staff will be responsible for conducting the meeting.

(C) The applicant will be responsible for explaining their proposal. This explanation serves to inform staff of the proposed project details and is also an opportunity to share relevant information with the public.

(D) Planning staff will be responsible for reviewing the applicable procedures and providing feedback on likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

(E) A limited amount of time will be reserved at the end of the meeting for the public to ask questions about the proposal from either the applicant or planning staff. No one, applicant or staff, is obligated to provide a response to those questions in real time. It is also not the time to submit testimony or evidence regarding a project, because a land use application with all of the required narratives, plans, and studies has not been submitted or reviewed.

III. Other Opportunities for Review:

(A) If you are interested in the proposal and are unable to attend the Pre-Application meeting, you may review the Pre-Application materials by going to www.multco.us/landuse/public-notices under the project title *Portland Water Bureau Bull Run Filtration Project Pre-Application Meeting*. Paper copies of the materials may be purchased at the rate of $0.40/per page by contacting LUPcomments@multco.us.

(B) If the applicant chooses to submit a formal application, a notice will be mailed to properties within 750 feet of the project site, and any groups or individuals who have requested notification, announcing the date, time, and place of the Public Hearing at least 20 days in advance. Failure to participate at the Pre-Application meeting will not preclude your involvement at any future public hearing(s) on the land use application.

Notwithstanding any representations by County staff at a Pre-Application meeting, staff is not authorized to waive any requirements of the County Code. Any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the county of any standard or requirement [MCC 39.1120(C)]

SUMMARY OF APPLICABLE PERMITS, CODES, POLICIES & FEES

These Multnomah County Code (MCC) sections can be found under the link titled ***Chapter 39: Multnomah County Zoning Code*** on our webpage at: https://multco.us/landuse/zoning-codes/

General Zoning Requirements	Code Section	Fees
	General Requirements: MCC 39.1515 Code Compliance and Violations MCC 39.2000 Definitions MCC 39.6500-39.6600 Parking, Loading, Circulation, and Access MCC 39.6850 Dark Sky Lighting Standards *Procedures* MCC 39.39.1100 through MCC 39.1245	N/A
Multiple Use Agriculture-20 (MUA-20)	MCC 39.4320(A) Conditional Uses, Community Service Uses MCC 39.4320(E) Conditional Uses, Large Fills MCC 39.4325 Dimensional Requirements and Development Standards MCC 39.4340 Off-Street Parking and Loading	N/A
Exclusive Farm Use (EFU)	MCC 39.4225 (A) Review Uses, Utility Facilities… MCC 39.4245 Dimensional Requirements and Development Standards	N/A
Rural Residential (RR)	MCC 39.4370 (A) Conditional Uses, Community Service Uses MCC 39.4375 Dimensional Requirements and Standards MCC 39.4385 Lot Sizes for Conditional Uses MCC 39.4390 Off-Street Parking and Loading	N/A
Commercial Forest Use (CFU)	MCC 39.4080 (A) (5) Conditional Uses, Community Service, Water intake facility, related treatment facility, pumping station, and distribution line. MCC 39.4100 Use Compatibility Standards MCC 39.4105 Building Height MCC 39.4110 Forest Practice Setbacks and Fire Safety Zones MCC 39.4115 Development Standards for …Structures	N/A
Required Land Use Applications	**Code Section**	**Fees**
Lot of Record (Type II)	MCC 39.3005 Lot of Record Generally, and MCC 39.3080 Lot Of Record – Multiple Use Agriculture-20 (MUA-20)	$990 per each LOR

Utility Facilities Community Service Conditional Use (Type III)	MCC 39.7520(A)(6) Use, Utility Facilities MCC 39.7505 General Provisions MCC 39.7515(A) through (H) Approval Criteria MCC 39.7525 Restrictions MCC 39.7750 Maintenance	$3684 Deposit
Radio Transmission Towers Community Service Conditional Use (Type III)	MCC 39.7520(A)(8) Uses, Radio …Transmission Towers MCC 39.7560 Application Requirements MCC 39.7565 Approval Criteria for New Transmission Towers MCC 39.7570 Design Review MCC 39.7575 Radiation Standards	$3684 Deposit
Design Review (Type II)	MCC 39.8005 Elements Of Design Review Plan. MCC 39.8010 Design Review Plan Approval Required. MCC 39.8020 Application Of Regulations. MCC 39.8025 Design Review Plan Contents. MCC 39.8030 Final Design Review Plan. MCC 39.8040 Design Review Criteria MCC 39.8045 Required Minimum Standards (C) Required Landscape Areas	$1883 or $693 depending on type of review
Significant Environmental Concern for Wildlife Habitat (SEC-h) (Type I or Type II)	MCC 39.5510 Uses; Sec Permit Required. MCC 39.5515 Exceptions MCC 39.5520 Application For Sec Permit. MCC 39.5545 Definitions. MCC 39.5560 General Requirements For Approval In The West Of Sandy River Planning Area Designated As SEC-wr Or SEC-h *Wildlife Habitat (SEC-h):* MCC 39.5850- SEC-h Clear And Objective Standards (Type I) or MCC 39.5860 Criteria For Approval Of SEC-h Permit - Wildlife Habitat (Type II)	Type I: $441 or Type II $1459 per each SEC Permit
Significant Environmental Concern for Water Resources (SEC-wr) (Type II)	MCC 39.5510 Uses; Sec Permit Required. MCC 39.5515 Exceptions MCC 39.5520 Application For SEC Permit. MCC 39.5545 Definitions. MCC 39.5560 General Requirements For Approval In The West Of Sandy River Planning Area Designated As SEC-wr Or SEC-h MCC 39.5800- Criteria For Approval Of SEC-wr Permit - Water Resource	$1459 per each SEC Permit
Potential Land Use Applications	**Code Sections**	**Fees**
Geologic Hazard Permit (Type II)	MCC 39.5073 Definitions MCC 39.5075 Permit Required	$1473

	MCC 39.5085 Geologic Hazards Permit Application Information Required MCC 39.5090 Geologic Hazards Permit Standards	
Large Fill Conditional Use (Type III)	MCC 39.7200 - 39.7220 Large Fills	$3684 Deposit
Development Codes (Type I Process)	**Code Sections**	**Fees**
Ground Disturbance Standards	MCC 39.6210 Permits Required MCC 39.6220 Minimal Impact Project Permit *- or -* MCC 39.6225 Erosion and Sediment Control Permit MCC 39.6235 Stormwater Drainage Control	 $57 $596 $57
A separate Notice Fee is required for each separate application package submitted		$241

KEY ISSUES

1. The Pre-Application Conference request form states that proposal is for:
    - The 135 million gallon per day (mgd) drinking water filtration facility and a communications tower, located on a 94-acre site in the Multnomah County Multiple Use Agriculture (MUA-20) zone and served by SE Carpenter Lane and an emergency access road in Clackamas County;
    - Two raw water pipelines in Multnomah County that extend approximately 0.4 miles from the proposed Multnomah Connection to existing conduits in SE Lusted Road just north of the county line to the filtration facility, through areas zoned Rural Residential (RR) and Exclusive Farm Use (EFU);
    - Two finished water pipelines that extend approximately 1.3 miles in the MUA-20 zone from the filtration facility to the finished water intertie, entirely in the existing SE Dodge Park Boulevard right-of-way and subsequently along an easement between SE Dodge Park Boulevard and the finished water intertie at SE Lusted Road;
    - The finished water intertie located on SE Lusted Road east of SE Altman Road in an area zoned MUA-20;
    - Three pipelines located entirely in existing county right-of-way through areas zoned MUA-20 and EFU, that extend from the intertie various distances to connect with existing conduits: one at SE Altman Road and Lusted Road, one at SE Altman Road and Pipeline Road, and one at SE Altman Road and Oxbow Drive; and
    - A separate local distribution main connection from the new pipelines in SE Dodge Park Boulevard to the existing main adjacent to the Lusted Hill Treatment Facility on SE Cottrell Road to supply existing local water customers and four wholesale water districts. The main travels within the Cottrell Road right-of-way in the MUA-20 zone then crosses the Lusted Hill Water Bureau property in the Commercial Forest Use (CFU) zone and connects to the existing main in an adjacent easement.
2. <u>Code Compliance</u>: In order for the County to be able to approve any land use application for development or building permits, the property must be in full compliance with all applicable codes

and any permit approvals previously issued by the County [MCC 39.1515]. Full compliance means the property is a Lot of Record, any development on site was properly reviewed or permitted, and any conditions from previous land use decisions have been satisfied.

3. Lot of Record: A Lot of Record is a property that, when first placed in its current configuration, met all zoning and land division rules in place at that time [MCC 39.3005 (Lot of Record—Generally); 39.3080 (MUA-20)]. Each unit of land associated with the proposed Water Filtration Facility, Communications Tower and Pipelines must be a Lot of Record in order for the County to be able to approve Allowed, Review or Conditional Uses on the property. The Lot of Record Verification application may be made as a separate Type II review or as part of any Type III application. A Lot of Record Verification will need to be completed for both R994220980 & R994220820. Copies of the current deeds for the other properties that will be involved will need to be provided so that the County can verify they remain a Lot of Record.

Required and Potential Permits

4. Planning staff has broken the Bull Run Filtration Project down into various segments based upon the applicant's summaries on page 1 of the pre-application narrative. For each segment, the required and potential permits have been identified based on staff's current understanding of the proposal. If the segments change or different information becomes available, the necessary permits may be altered at that time.

    1. **Water Filtration Facility Use**
        - Community Service Conditional Use Permit (Required)
        - Design Review (Required)
        - Geologic Hazard Permit (Potential)
    2. **Radio Transmission Tower**
        - Community Service Conditional Use (Required)
        - Design Review (Required)
    3. **Raw Water Pipeline**
        - Community Service Conditional Use (RR Zone) (Required)
        - Review Use, Utility Facility (EFU) (Required)
        - Geologic Hazard Permit (Potential)
        - Significant Environmental Concern for wildlife habitat (Potential)
    4. **Lusted Water Distribution Main**
        - Community Service Conditional Use Permit (Required)
        - Design Review (Required)
        - Significant Environmental Concern for water resources (Required)
        - Geologic Hazard Permit (Potential)
    5. **Altman Rd & Lusted FW Pipeline (Conduit 2, 3 & 4)**
        - Community Service Conditional Use Permit (Required)
        - Design Review (Required)

6. **Intertie (Lusted & R994210630)**
    - Community Service Conditional Use Permit (Required)
    - Design Review (Required)

5. **Community Service Conditional Use (Type III)**

A Community Service Conditional Use (CS) application will need to be made for the Water Filtration Plant, the Radio Transmission Tower, and the various Pipeline segments. A community service conditional use is a Type III land use application. A Type III application requires a quasi-judicial public hearing before a Hearing Officer as outlined under MCC 39.1140.

A. <u>The approval criteria for the Utility Facility Community Service uses are outlined under MCC 39.7515, as follows:</u>

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria….:

(A) Is consistent with the character of the area;

(B) Will not adversely affect natural resources;

(C) The use will not:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(D) Will not require public services other than those existing or programmed for the area;

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

(F) Will not create hazardous conditions; and

(G) Will satisfy the applicable policies of the Comprehensive Plan.

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

B. <u>The approval criteria for Radio and Transmission Tower Communications Facilities Community Service uses are outlined under MCC 39.7565, as follows:</u>

New transmission towers base zone permitted under MCC 39.7520 (A) (8) (a) or (b) may be allowed, based on findings by the approval authority that the following criteria are met.

(A) The site is of a size and shape sufficient to provide the following setbacks:

(1) For a tower located on a lot abutting an urban residential base zone or a public property or street, except a building-mounted tower, the site size standards of MCC 39.7565 (I) and (J) are met as to those portions of the property abutting the residential or public uses.

(2) For all other towers, the site shall be of sufficient size to provide the setback required in the base zone between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.

(B) The required setbacks shall be improved to meet the following landscaping standards to the extent possible within the area provided:

(1) Landscaping at the perimeter of the property which abuts streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property. Such landscaping plan shall demonstrate the following:

(a) For towers 200 feet tall or less, a buffer area no less than 25 feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five feet apart. Materials should be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

(b) For towers more than 200 feet tall, a buffer area not less than 40 feet wide shall be provided at the property line with at least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height within two years of planting; one row of deciduous trees, not less than 1 1/2 inch caliper measured three feet from the ground at the time of planting, and spaced not more than 20 feet apart; and at least one row of evergreen trees, not less than four feet at the time of planting, and spaced not more than 15 feet apart. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

(c) In lieu of these standards, the approval authority may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved in (a) and (b) above, except as lesser requirements are desirable for adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

(C) The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. Towers clustered at the same site shall be of similar height and design, whenever possible. Towers shall be painted and lighted as follows:

(1) Towers 200 feet or less in height shall have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish.

(2) Towers more than 200 feet in height shall be painted in accordance with regulations of the Oregon State Aeronautics Division.

(3) Towers shall be illuminated as required by the Oregon State Aeronautics Division. However, no lighting shall be incorporated if not required by the Aeronautics Division or other responsible agency.

(4) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

(D) A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel, provided additional parking may be required in accordance with MCC 39.6500 to 39.6600 if the site serves multiple purposes.

(E) The applicable policies of the Comprehensive Plan are met.

(F) The NIER standards of MCC 39.7575 are met.

(G) The following agency coordination standards are met:

(1) A written statement provided by the applicant from the appropriate official in the Federal Aviation Administration that the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or a statement that no compliance with Part 77 is required;

(2) A written statement provided by the applicant from the appropriate official in the Oregon State Aeronautics Division that the application has been found to comply with the applicable regulations of the Division, or a statement that no such compliance is required; and,

(3) A written statement provided by the applicant from the appropriate official in the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

(4) The statements in (1) through (3) may be waived when the applicant demonstrates that a good faith, timely effort was made to obtain such responses but that no such response was forthcoming, provided the applicant conveys any response received; and further provided any subsequent response that is received is conveyed to the approval authority as soon as possible.

(H) For a proposed tower in the EFU, CFU and MUA-20 base zones, the following restrictions on accessory uses shall be met:

(1) Accessory uses shall include only such buildings and facilities necessary for transmission function and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, nor other similar uses not necessary for the transmission function.

(2) Accessory uses may include studio facilities for emergency broadcast purposes or for other special, limited purposes found by the approval authority not to create significant additional impacts nor to require construction of additional buildings or facilities exceeding 25 percent of the floor area of other permitted buildings.

(I) Site size and tower setbacks:

(1) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting an urban residential base zone, public property, or public street. Such setback shall be sufficient to:

(a) Provide for an adequate vegetative, topographic or other buffer, as provided in MCC 39.7565 (C) and (B),

(b) Preserve the privacy of adjoining residential property,

(c) Protect adjoining property from the potential impact of tower failure and ice falling from the tower by being large enough to accommodate such failure and ice on the site, based on the engineer's analysis required in MCC 39.7560 (C) (4) and (5), and

(d) Protect the public from NIER in excess of the standard of MCC 39.7575 (A).

(2) A site is presumed to be of sufficient size when it:

(a) Meets the requirements of (1) (c) and (d) above,

(b) Provides a setback equal to 20 percent of the height of the tower to any property line abutting an urban residential base zone, public property, or public street, and

(c) Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in an urban residential base zone nor a public property or a public street.

(3) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in MCC 36.6110 (C) (4) will not lead to multiple failures in the event that one fails.

(4) Structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in MCC 39.7525.

(J) Guy setbacks:

(1) For a guyed structure, the site shall be of a size and shape sufficient to provide an adequate setback from a guy anchor to any property line abutting an urban residential base zone, public property or public street in addition to the size required to comply with 39.7565 (I). Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.

(2) A site is presumed to be of sufficient size when it provides:

(a) A setback of at least 25 feet between a guy anchor and any property line abutting an urban residential base zone or public property or street, and

(b) A setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not a public property or street nor in an urban residential base zone.

(3) A guy anchor may be located on an adjoining property when:

(a) The owner of the adjoining property on which it is to be placed authorizes it in writing, and

(b) The guy anchor meets the requirements of (1) or (2) above as to all other adjoining property lines.

(4) Guy anchors may be located within required landscape areas.

(5) A guy from a tower which was previously approved under any ordinance may be extended to an adjacent site if the guy anchor will comply with MCC 39.7565 (J) (3) as determined by the Planning Director.

6. **Design Review (Type II)**

A Design Review application may be bundled with the Community Service (CS) Conditional Use Permit application and reviewed by the hearings officer or submitted after the approval for a CS use. It is the applicant's choice but most applicants bundle the applications together due to the need to provide detailed information regarding design, size, scope, height, etc. for the CS use.

Design Review is required for all community service uses. [MCC 39.7505(B)]. The design review includes parking under MCC 39.6500 – MCC 39.6600 and landscaping requirements under MCC 39.8045(C) may also be applicable dependent on the intensity of the use. The design review application shall be accompanied by a site plan, floor plan, architectural elevations, and a landscape plan [MCC 39.8005]. The plans must provide the information listed in MCC 39.8025, as appropriate for the proposal. The plans submitted need to reflect the project(s) as they will be constructed.

There are two levels of Design Review. The Water Filtration Facility will need to undergo the complete Design Review application review and demonstrate compliance with the criteria and applicable standards found in MCC 39.8040 and 8045.

A. The Design Review Criteria are outlined under MCC 39.8040, as follows:

(A) Approval of a final design review plan shall be based on the following criteria:

(l) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.

(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter related, and shall provide spatial variety and order.

(2) Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

(3) Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.

(4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

(5) Pedestrian and Vehicular Circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

(6) Drainage - Surface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface runoff volume after development is no greater than before development shall be provided on the lot.

(7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

(8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

(9) Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

B. The Required Minimum Standards are outlined under MCC 39.8045(C), as follows:

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

(l) A minimum of 15% of the development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.

(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.

(3) The following landscape requirements shall apply to parking and loading areas:

(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;

2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and

3. Vegetative ground cover.

(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(e) A parking landscape area shall have a width of not less than 5 feet.

(4) Provision shall be made for watering planting areas where such care is required.

(5) Required landscaping shall be continuously maintained.

(6) Maximum height of tree species shall be considered when planting under overhead utility lines.

(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

7. **Significant Environmental Concern for Wildlife Habitat (SEC-h) (Type II)**

The County has adopted a Significant Environmental Concern overlay for wildlife habitat (SEC-h) that runs adjacent to SE Dodge Park Blvd (SEC-h overlay shown in red in graphic above). The SEC-h overlay extends down to the County line. If any portion of the Raw Water Pipeline development occurs within this overlay, a SEC-h permit will need to be approved before the construction of the Raw Water Pipeline unless you can demonstrate that it would qualify for an Exception pursuant to MCC 39.5515.

- The subject application must provide the materials listed in MCC 39.5520(A) and MCC 39.5860(A).
- The proposed development must meet the Development Standards under MCC 39.5860(B)(1) through (7) or a Wildlife Conservation Plan will need to be provided. [MCC 39.5860(C)(1), (2)]. Failure to meet all of the Development Standards under MCC 39.5860(B) requires that a Wildlife Conservation Plan be prepared and submitted as part of the application materials or the development be relocated to meet the criteria.
- MCC 39.5860(C) has various options for the Wildlife Conservation Plan. If a Wildlife Conservation Plan is required, you will need to pick which option your plan will follow.

8. <u>Significant Environmental Concern for Water Resources (SEC-wr): (Type II)</u>

It appears that the Lusted Water Distribution Main will traverse the SEC-wr (water resources) overlay as it travels up Cottrell Road near Dodge Park Blvd. The SEC-wr overlay covers the headwaters for Beaver Creek in this area. The development of this Distribution Main will require a SEC-wr permit. The SEC-wr standards are designed to protect streams and wetlands by limiting development activities near the protected stream and riparian resources.

- The application will need to provide the materials listed in MCC 39.5520 along with additional materials to demonstrate compliance with the approval criteria listed in MCC 39.5800.
- There are three options for the development. The first is Development on Low Impact criteria [MCC 39.5800(B)]. To qualify for the Low Impact criteria, the development must be at least 100 feet from top of bank or top of ravine and any associated wetlands. The second option is for the Alternatives Analysis criteria [MCC 39.5800(C)]. Development may only occur in this area if there is no alternative. An alternative analysis is required and a finding of "No practicable alternatives to the requested development exist that will not disturb the Water Resource Area." The third option is for Buffer Averaging [MCC 39.5800(D)]. This option is rarely used and may not be a good fit for the proposal as the development will occur in a public right-of-way.
- You will need to hire a professional ecologist or biologist (i.e. a person four year degree in biology or related field and have an understanding of forest ecosystems, wildlife ecology, or riparian ecology) to:
    i. Assess the existing stream and wildlife corridor characteristics;
    ii. Identify barriers to development in the area that would satisfy the SEC-wr standards, if an Alternative Analysis is required; and
    iii. Create a Mitigation Plan that will satisfy the standards in MCC 39.5800(E) and (F). [MCC 5800(F) Table 2]

9. **Geologic Hazards <u>(Type II)</u>**

When development or ground disturbing activities will occur, a Geologic Hazard (GH) permit is required under two circumstances: (1) on land located in hazard areas as identified on the Geologic Hazards overlay map, or (2) where the disturbed area or the land on which the development will occur has slopes of 25 percent or more [MCC .39.5075]

The development for the Raw Water Pipeline will occur in an area mapped with the County's Geologic Hazard overlay. It appears this segment of the development will require a Geologic Hazard permit. If you believe your land use application is exempt from a GH permit, you will need to demonstrate the project is exempt from the GH permit requirements. The Exemptions can be found at MCC 39.5080.

- The GH permit application will need to include the information listed in MCC 39.5085. The information must include a site plan, calculations of total area of proposed ground disturbance, cuts and fill amounts, written findings, a geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer, etc. The report must certify that the site is suitable for the proposed development.
- The plans must show the areas to be cut, filled, graded, tunneled, excavated and the erosion control methods to be used to ensure that erosion onto adjacent rights-of-way or properties occur [MCC 39.5085(A) & (C)].
- These are not preliminary plans. The plans must show the actual ground disturbance activities for the project.
- The approval criteria for the GH Permit are listed under MCC 39.5090. Your narrative and plans need to demonstrate compliance with these standards.

10. Even if your project is exempt from the GH permit requirements, it may need to obtain a different ground disturbing activity permit. The Erosion and Sediment Control permit is a Type I permit. It is only applicable when a GH permit is not required. Please see MCC 39.6200 for more information.

11. **Exclusive Farm Use (EFU) Review Use, Utility Facility (Type II)**

For the portion of the pipelines within the EFU zone along Altman Road, a Review Use application will need to demonstrate compliance with MCC 39.4225(A)(3). The utility facility will need to satisfy the requirements of ORS 215.275, Utility facilities necessary for public service; criteria; mitigating for impact of facility [MCC 39.4225(A)(3)(a)]. In addition, the facility will need to comply with the County's Off-Street Parking and Loading, Minimum Yards (if over 30-inches in height), Sign code, and Design Review [MCC 39.4225(A)(3)(b)].

12. Large Fill Conditional Use Permit (Type III)

If the proposal includes the deposit of more than 5,000 cubic yards of fill to a site (including the cumulative total amount in the past 20 years), the project may require a Large Fill permit which must comply with the standards and criteria of MCC 39.7200 through MCC 39.7220.

- This permit only covers earth materials brought to the site and not the movement of earth materials that is being exported or moved to another area of the site such as to construct the berms. The movement of on-site earth materials would be covered under the Ground Disturbance Activity regulations of MCC 39.6200 or the Geologic Hazards regulations of MCC 39.5070.

Ground Disturbance Activity Requirements (Type I Permit)

Compliance with the County's Ground Disturbance standards may require a Type I application, known as an Erosion and Sediment Control (ESC) permit. It is likely your development will require at least one ESC permit. The ESC application can be submitted concurrently or after the Type II or Type III Land Use Permit(s) are issued. The ESC permits must include any physical improvement or ground disturbance alterations required by the Type III or II approvals.

If mechanical ground disturbance will occur to establish the building, structure or use that is not covered by either the Geologic Hazard or Large Fill regulations, the property owner or their representative will need to apply for either an Erosion and Sediment Control Permit, or a Minimal Impact Project (MIP) permit depending on the final project proposal.

The Minimal Impact Project (MIP) permit standards are found at MCC 39.6220 and are for small projects that meet the following conditions:

- Less than 10,000 sq. ft. of ground surface will be disturbed
- Disturbed areas are not within 200 ft. from the top of the bank of a water body;
- Unsupported finished slopes will be less than 33% grade (3 Horizontal: 1 Vertical) and will not exceed four ft. in height;
- Slopes before development where ground disturbance is proposed are 10% grade or less;
- The ground disturbing activity will involve less than 10 cubic yards of fill and the fill will be composed of earth materials only;
- Fill will not be used to physically support a building requiring a structural building permit;

For the MIP permit, you will need to provide the materials listed in MCC 39.6220(A), meet the standards in MCC 39.6220(B) and use erosion and sediment control best management practices [MCC 39.6220(B)(8)]. Should land use approvals be granted for the subject project, prior to applying for construction and building permits, you must apply for Zoning Plan Review at which time you will need to demonstrate compliance with the MIP permit standards

If your project cannot meet the MIP permit standards, an Erosion and Sediment Control (ESC) permit will be required for the proposed development. For the ESC Permit, you will need to fill out a Type I application form and state you are applying for an ESC permit and then submit it to *LUP-submittals@multco.us* along with the required materials listed in MCC 39.6225(A). Your Erosion and Sediment Control plan must comply with the standards listed in MCC 39.6225(B). You will need to document the fill materials, compaction methods, locations and volume of proposed cuts and location and volume of proposed fills, and the erosion control measures that you will be utilizing for your project [MCC 39.6225(A) & B)].

KEY ISSUES: ADDITIONAL REVIEW

13. You will need to submit the following service provider forms listed below to the respective service provider for your area. Do not submit the unsigned forms to Land Use Planning for completion. The service provider will return a copy of the completed review form to you along with any supplemental documents. You can find all service provider forms at https://multco.us/landuse/application-materials-and-forms/. The completed and signed forms need to be submitted as part of your land use application. Please keep a copy of these forms for your records are they are requirements for your permit.

- **Fire Service Agency Review** – The Fire Service Agency serving your property will review your project to ensure compliance with the Oregon Fire Code. They must complete and sign the Fire Service Agency Review form. The completed form must be submitted along with any signed letters and plans with your application materials.
- **On-Site Sanitation Septic Review** – The Sanitarian will review your proposal and make sure that it will not harm the on-site sewage disposal system and its back up area. A completed and signed Septic Review Certificate must be submitted with your application materials along with any signed letters and plans.
- **Transportation Planning Review** – Transportation Planning ensures that Multnomah County Road Rules on access and driveway spacing are satisfied. Please see contact Right-of-Way Permits office. A completed and signed Transportation Planning Review Form must be submitted with your application materials.

14. As part of any land use application, you will need to meet the County's Stormwater Drainage Control regulations listed in MCC 39.6235 if the newly created or replaced impervious surfaces exceed 500 sq. ft. or more. These regulations require you to hire an Oregon licensed professional engineer to design a drainage control system that can handle stormwater generated from the development for a 10-year/24-hour storm event. The engineer will have to sign and stamp the County's current Stormwater Drainage Control Certificate, provide calculations and decide what type of stormwater system is needed based on the physical characteristics of the soil.
15. As part of your plans, you will need to have a Lighting Plan that shows the location of all existing and proposed exterior lighting to be installed. You need to provide lighting details for the specific light fixtures proposed which verify that fixture complies with MCC 39.6850(C). The light source (bulb, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully Shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached. Illumination from the new light fixtures shall be contained within the boundaries of the subject property. Not all Dark Sky designated light fixtures will meet the County's code. Please see the County's Dark Sky Lighting Standards for more information [MCC 39.6850].

RESPONSES TO APPLICANT'S SPECIFIC QUESTIONS IN PRE-APPLICATION REQUEST

1. Please confirm that the off-street parking requirements for the same use classification at Lusted Hill will be used for the filtration project. At Lusted Hill (T3-2012-2648), the Hearings Officer determined that, while the project is not a manufacturing use, the use is not specifically listed under MCC 39.6590(F) and manufacturing is most similar in terms of parking requirements because the use is mostly mechanical and storage buildings with accessory office. Therefore, the Hearings Officer required compliance with the parking standard in MCC 39.6590 (E)(1).

Response: Per MCC 39.4340 in the MUA-20 zone, Off-Street Parking and Loading shall be provided as required by MCC 39.6500 through 39.6600. The proposed filtration project uses are not specifically listed in MCC 39.6590 Minimum Required Off Street Parking Spaces, and therefore fall under (F) Unspecified Uses: "Any use not specifically listed above shall have the off-street parking space requirements of the listed use or uses deemed most nearly equivalent by the Planning Director."

The site plan and other materials reference an Administrative Building with an interpretive center. Not enough information has been provided for each proposed building to know exactly how the entire complex should be parked. The County recommends a Parking Study be completed and submitted as

part of the application to support the number of parking spaces ultimately proposed. The Parking Study should also discuss the loading spaces required for Unspecified Uses [MCC 39.6595(G).

2. Please confirm our understanding that the entire project is located outside of the big game winter habitat area defined by the Oregon Department of Fish and Wildlife.

Response: Please contact Oregon Department of Fish and Wildlife and verify that the subject site is outside of the Big Game Winter Habitat Area. Submit any maps or documents that you use to support your finding for MCC 39.7515(E).

3. Provided as Figure 11 are the proposed intersections for the project Transportation Impact Study. We have included intersections based on input from our transportation engineer as well as public comments. Please confirm if there are any additional intersections that the County would like to have included in the Transportation Impact Study.

Response: Please see the Transportation Planning and Development Memorandum for their response to this question.

4. Pipelines will either be located in public rights-of-way or easements across private land in MUA-20 and EFU. Please confirm that base zone setback and landscape standards do not apply to below-ground facilities or structures less than 30 inches tall.

Response: Except for the CFU zone, the County's base zones have Minimum Yard Dimensions. MCC 39.2000 Definitions define "Yard" as "An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30-inches above the ground upward, except as otherwise specified in the base zone. …The purpose of yards between buildings and property lines is to provide space, light, air circulation and safety from fire hazards." A "Building" is defined as "Any structure used or intended for supporting or sheltering any use or occupancy." Should any portion of a pipeline be taller than 30-inches above ground the yard requirements may need to be met. The Dimensional Requirements and Development Standards sections have different standards for fences, retaining walls and very small accessory structures that may apply.

In addition to the base zones, the Community Service code has setbacks/yards. MCC 39.7525 Restrictions states that "A building or use approved under MCC 39.7520 through MCC 39.7650 shall meet the following requirements: (A) Minimum yards in EFU, CFU, MUA-20, RR….Base zones: (1) Front yards shall be 30 feet. (2) Side yards for one-story buildings shall be 20 feet; for two story buildings, 25 feet. (3) Rear yards shall be as required in the base zone.

The CFU zone has Forest Practice Setbacks. MCC 39.2000 Definitions defines a "Forest Practice Setback" as "A type of dimensional setback in the forest base zones that provides for separation between structures and property lines. This setback assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure."

There may be Yards or Setback requirements within the Off-Street Parking Code and other sections of the code. Whether improvements are allowed within these yards, buffers, setbacks will be dependent on the code and its wording.

Landscape Standards: MCC 39.8045(C)(2) states that all areas subject to the final design review plan and not otherwise improved shall be landscaped. A determination of what constitutes "otherwise improved" is dependent on the specifics of the location in question, and in the context of a formal land use application.

5. Please confirm the anticipated land use reviews identified in Figure 2. In addition to what is shown in Figure 2, we anticipate Geologic Hazard review and, where the proposed pipelines are in the EFU portion of the right-of-way, that these are an allowed use under MCC 39.4220(G), given that no buildings will be impacted and no new land parcels will be created.

Response: MCC 39.4220(G) is limited to the reconstruction or modification of existing roadways. MCC 39.4225(A)(3) is all other utility facilities.

6. Please confirm that the applicable policies of the Comprehensive Plan for the same use classification at Lusted Hill (T3-2019-11784) will be applicable to the filtration project components.

Response: At a minimum, staff recommends that the applicant address the following comprehensive plan policies and strategies: 3.1-3.5, 3.13-3.16 (Farmland), 7.1-7.4 (Natural Hazards), and 11.1-11.11 (Public Facilities) in order to demonstrate consistency with MCC 39.7015 (A) (7) Conditional Use Approval Criteria.

7. Please confirm that design review is not required for below-ground or at-grade (for example, an access cover) facilities of the project.

Response: Design Review is required for any facility or activity that requires a building, grading, parking, land use, sign or other permit or that is a conditional or a community service use unless it is specifically listed under MCC 39.8015. [MCC 39.8010 and MCC 39.8020 (A)]. For facilities that require fewer than four parking spaces, Design Review is limited to four criteria as discussed above in the notes.

8. Please confirm that our proposed Conditional Use study area shown in Figure 12 is reasonable. This area is designed to be large enough to include all roads/intersections studied in the Transportation Impact Study and to ensure that nursery crop land and related wholesale operations are considered in the various impact analyses.

Response: We presume your question is related to MCC 39.7515(A) "Is consistent with the character of the area". The application materials will need to explain how the boundaries of the study area were determined and justify that the appropriate area is covered.

NEXT STEPS:

1. **General Application Form:** When filling out the General Application Form, you must state the applications you are requesting at the bottom of the form. An example would be "We are requesting a Lot of Record verification and Significant Environmental Concern for Water Resources permit in order to permit a development associated with an accessory building." In addition, all property owners must sign the form. If not all the property owners will fit on the form, you may provide a Letter of Authorization with additional property owners' signatures. [MCC 39.1115]
2. **Application Narrative**: You will need to prepare a written narrative providing a clear and complete description of your proposal and specifically addressing each applicable code section [see the 'Summary of Applicable Permits, Codes…' section of these notes]. In your narrative, list the code reference you are responding to, then your response to that criterion. At the end of your response, you may reference any documents (i.e. Site Plan) included in your application that support your response. An example of the narrative format is shown below:

Significant Environmental Concern – wildlife habitat (SEC-h) Permit:

MCC 39.12345(A)(1): All required site plans and information listed in (A)(1) are included in this application. See Exhibits 4 – 12.

MCC 39.12345(A)(2): The proposed new single-family dwelling is completely within a non-forested "cleared" area. See the site plan included as Exhibit 2.

MCC 39.12345(B)(2): The proposal building cannot meet the distance requirement listed in (B)(2). The included site plan (Exhibit 2) shows the proposed distance from the road for the building is 400 feet. Because the proposal did not meet this requirement, a Wildlife Conservation Plan (WCP) is required. The proposed WCP is included as Exhibit 13.

3. **Site Plan(s) / Building Plan(s)**: Prepare your site plan(s) and building plan(s) according to the requirements listed in the 'Application Checklist' below and the various permit sections. Please note that additional requirements apply for certain permit types (i.e. SEC-s, GH, SEC-wr, etc.). The applicable code sections for each permit type outline any additional site plan / building plan requirements. Please make sure that your plan clearly identifies what is existing and what is proposed.
4. **Other Documents**: Prepare all other documents, including those documents listed in the 'Application Checklist' below. Make sure your service provider forms include all documents returned to you by the service provider after they complete their review.

APPLICATION SUBMITTAL

Please refer to the checklist below as you prepare to submit your application packet. The following website contains all Application and Service Provider forms: *multco.us/landuse/application-materials-and-forms/*.

To submit an application packet, email your materials to *LUP-Submittals@multco.us*. We will send you a digital invoice via email and you will need to pay with a credit or debit card. Your application is not "submitted" until such time as we receive full payment of your invoice.

	Application Checklist	**Required**	**Included**
1.	**Completed Application Form**: signed by the all property owners and the applicant along with the required fee(s).	X	
2.	**Narrative**: Written narrative providing a clear and complete description or your proposal and specifically addressing each applicable code section. List the code reference you are responding to in your narrative and your response to that criterion. Applicable criteria you must address in your narrative are previously listed in these notes. Reference in your narrative any supporting documents you are attaching (including required site map) to demonstrate how your proposal meets a particular code criterion.	X	
3.	**Scaled Site Plan**: The site plan shall be drawn to scale using either an engineer (e.g., 1:20, 1:40) scale or architect scale (e.g., ¼" = 1', 1/8" = 1')	X	

	☐ Boundaries, dimensions, address and size of the subject parcel; ☐ Date, north arrow, scale; ☐ Location of watercourses or drainage features on or near the property. ☐ Location, size, and label of all proposed and existing buildings, structures, distances to property lines (measured to nearest point of the building), and buildings to be removed; ☐ Location of the existing well and septic system (tank, drainfield & replacement field) and storm water system (existing and/or proposed); ☐ Contour lines and topographic features such as ravines or ridges; ☐ Proposed fill, grading, site contouring or other landform changes; ☐ Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas; ☐ Location and width of existing and proposed driveways, and service corridors; ☐ Location of abutting public right-of-way with distances from the right-of-way line to the centerline of the adjoining road; and ☐ Location and width of existing, proposed, and/or altered access points/driveway cuts to the property.		
4.	**Building Elevations** (side views) of any new buildings, alterations. or additions, with all height dimensions, and relationship to existing and finished grade adjacent to the building	**X**	
5.	**Lot of Record status**: Submit the first deed that described the subject property in its current configuration and all subsequent deeds to the current date.	**X**	
6.	**Storm Water Certificate**: completed and stamped by a Oregon Registered Professional Engineer with site plan stamped or signed by the Engineer	**X**	
7.	**Septic Review Certification of Form** and site plan signed by the Sanitarian (green form).	**X**	
8.	**Fire Service Agency Review Form** and site plan signed by the Fire Marshall	**X**	
9.	**Transportation Planning Review (TPR) Form**: Please contact Multnomah County Right of Way at 503.988.3582 or at row.permits@multco.us	**X**	
Type I Permits			
Minimal Impact Project (MIP) Permit (at time of Zoning Review Approval)		**?**	
Erosion and Sediment Control (ESC) Permit		**?**	

APPLICATION COMPLETENESS

Once an application is submitted, it will be assigned to a planner. The planner has 30 days, by state law, to determine whether the application is complete. If an application is incomplete, the applicant has 180 days, by state law, to submit the requested additional information to make the application complete. If your application is found to be incomplete, we request that you submit the required additional information in one packet rather than trickling information in. This avoids confusion of whether or not you intend to submit other additional information.

ADDITIONAL ASSISTANCE

Please contact staff planner Lisa Estrin at (503) 988-0167 or via email at lisa.m.estrin@multco.us with any questions regarding the application or notes. If the planner is out for the day or on vacation, please send them an email and they will respond as soon as they are able when they return. Once you are ready to submit your application, please send it to LUP-submittals@multco.us. Additional fees may need to be paid after the conclusion of the land use process to ensure compliance with conditions of approval and to allow the project into building plan check.