



City of Portland Bureau of Development Services

Staff Presentation to the

City Council

Appeal Hearing

Land Use Review 10-200954 CU AD

Tualatin Valley Water District

6217 SW Garden Home Road

Summary of the Proposal

- **Conditional Use:**

To demolish two existing water tanks and replace with one concrete water reservoir

- **Adjustment to one development standard:**

Request to allow vehicle areas on site to remain in gravel to eliminate as much impervious surface as possible

Approval Criteria

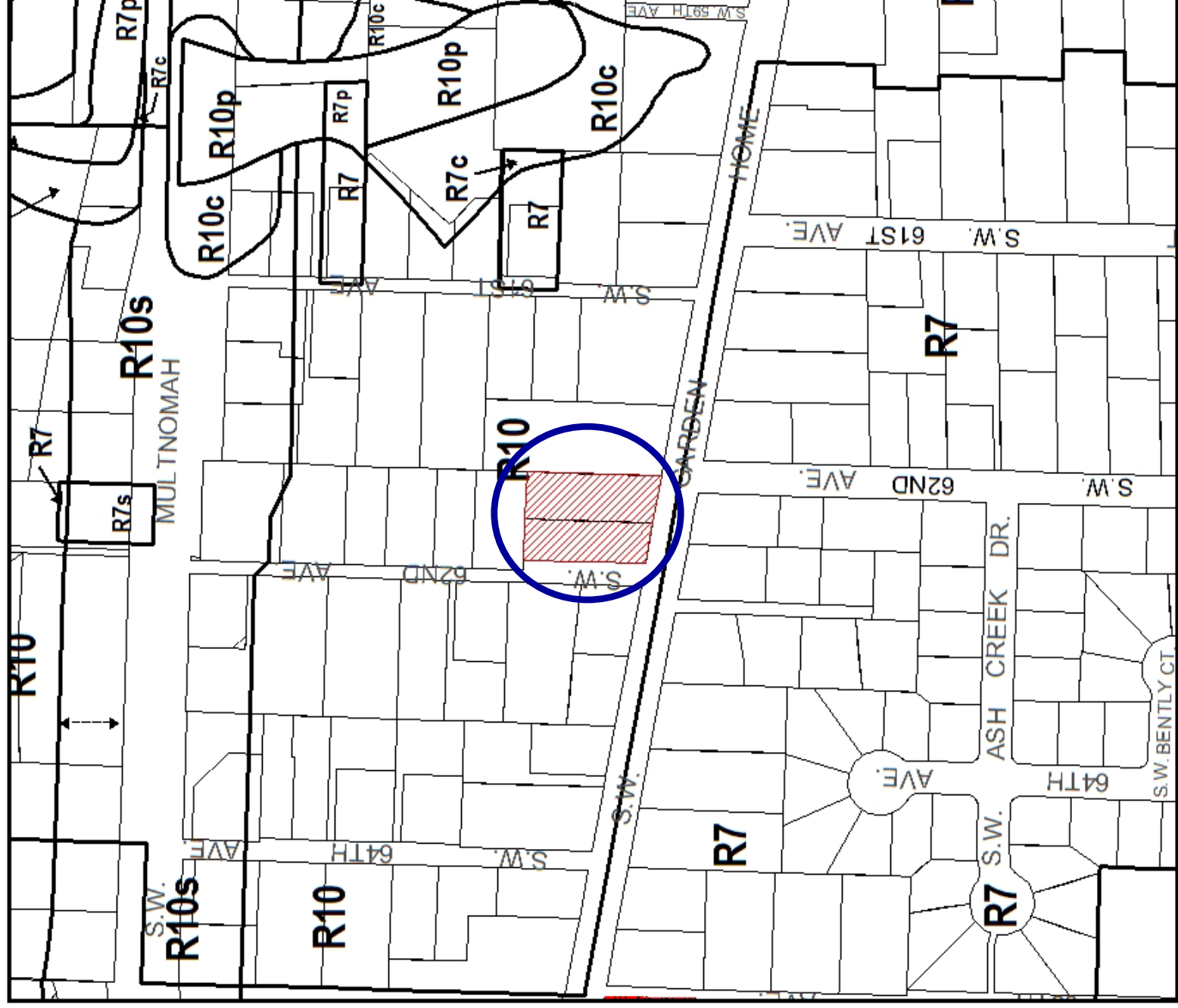
- Conditional Use:
33.815.105, Institutional and Other Uses in Residential Zones
- Adjustments:
33.805.040 A-F, Adjustments

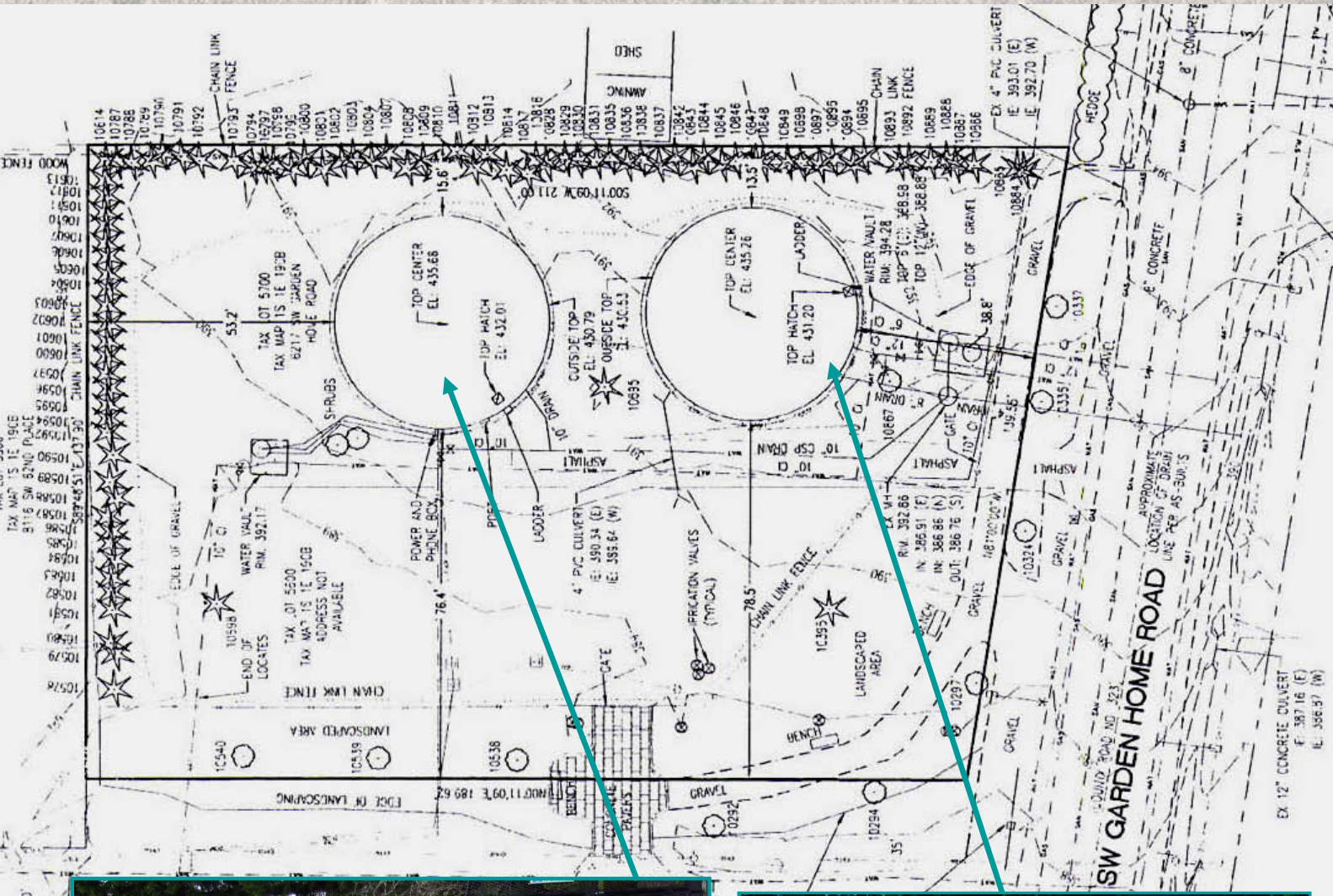
Procedural History

- Application submitted **December 15, 2010**
- Deemed Complete: **December 30, 2010**
- Public Hearing: **February 16, 2011**
- **Record held open 58 days at applicant's request to work with neighbors**
- Hearings Officer's Decision: **May 6, 2011**
- Appeal filed: **May 23, 2011**
- 120-day clock: **expires August 1, 2011 unless extended further by the applicant**

Zoning Map

- .65 acre site
- Zoned R10
- First water tank built circa 1952
- Second tank built 1962, approved by Multnomah County via MCF 8-62 CS

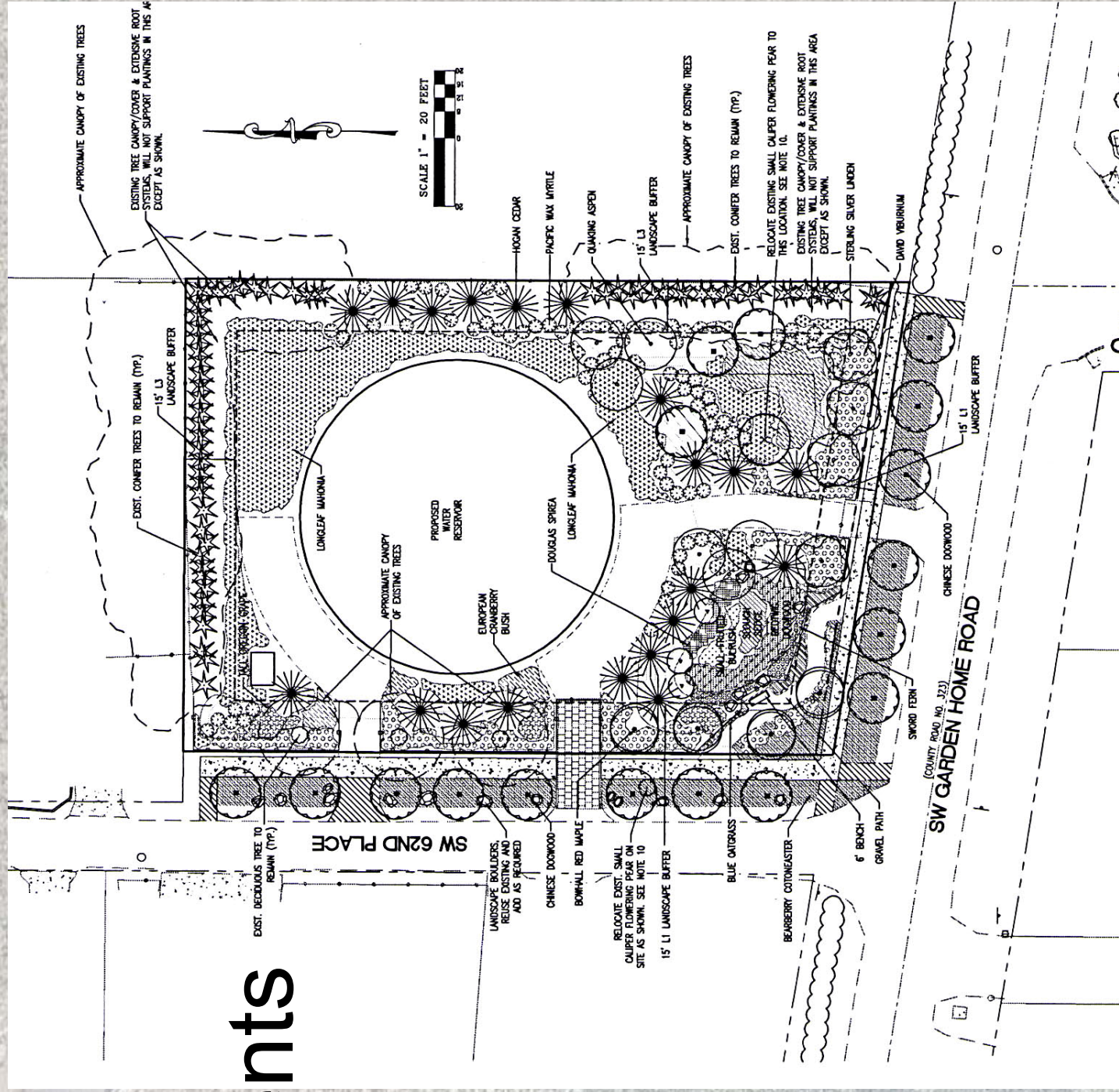




Aerial View of Vicinity



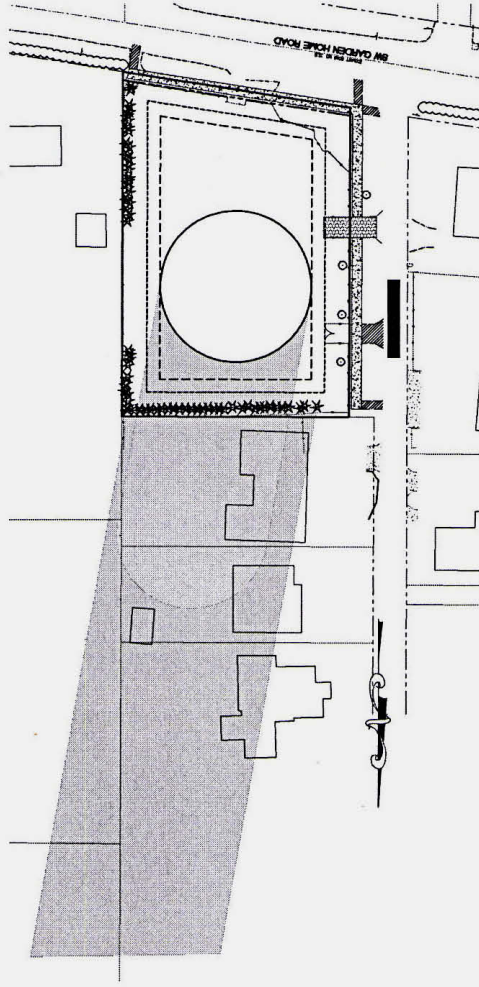
Site Map: Proposed Improvements



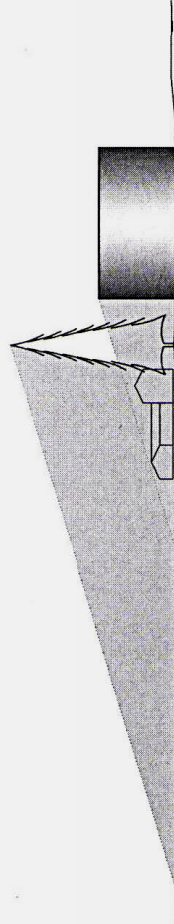
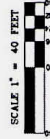
Site Map: Shadow Studies

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PROPOSED RESERVOIR

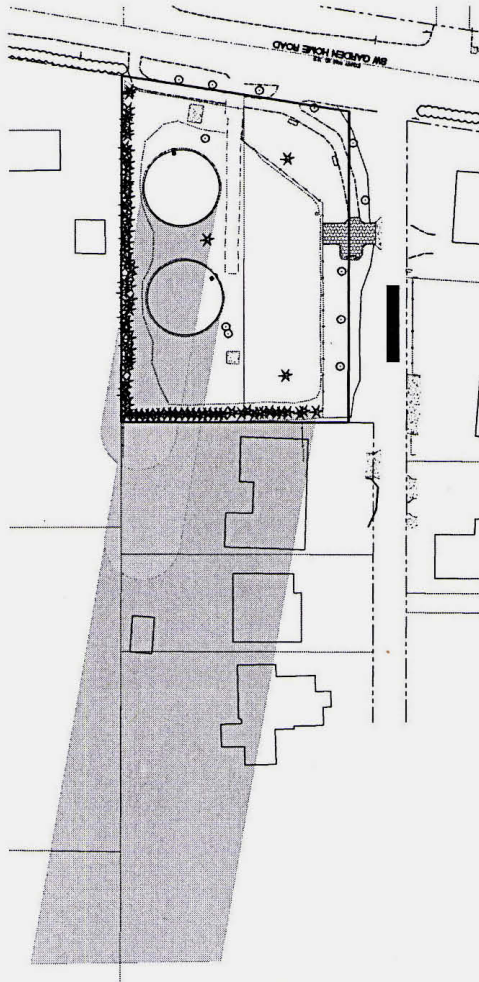


SHADOW CAST AT
2:00PM 12 21 2011

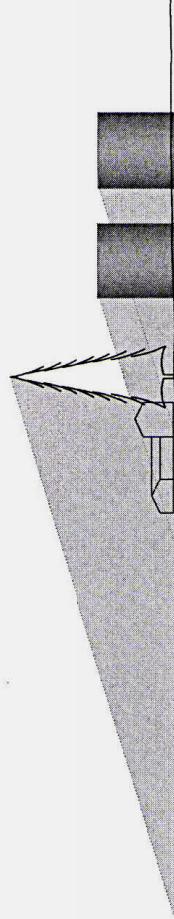
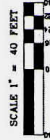


PROPOSED RESERVOIR SECTION
HORIZONTAL SCALE 1"=40'
VERTICAL SCALE 1"=40'

EXISTING RESERVOIRS



SHADOW CAST AT
2:00PM 12 21 2011



EXISTING RESERVOIR SECTION
HORIZONTAL SCALE 1"=40'
VERTICAL SCALE 1"=40'

Proposed

Existing

...

Table 110-5: Institutional Development Standards

Table 110-5 Institutional Development Standards [1]		PROPOSED DEVELOPMENT
Minimum Site Area for New Uses	10,000 sq. ft.	Met. Site area is .63 acres.
Maximum Floor Area Ratio [2]	0.5 to 1	Met.* 13,721 max allowed 8,372 proposed: FAR is 0.27 to 1
Maximum Height [3]	50 ft.	Met. 46 ft
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.	Met. Reservoir is setback 33.8, 23.3, 73.6 and 23.1 ft from north, east, south & west property lines
Maximum Building Setback Transit Street or Pedestrian District	20 ft. or per CU/IMP review	Waived per CU review
Maximum Building Coverage [2]	50% of site area	Met. 27% proposed
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard	Met. 62% proposed
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard	Met. Prior AD withdrawn, standard met.
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard	Met.
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.	Met.
Parking and Loading	See Chapter 33.266, Parking And Loading	Met, except for gravel in vehicle areas, 1 Adjustment requested
Signs	See Title 32, Signs and Related Regulations	No signage proposed beyond existing warning signs

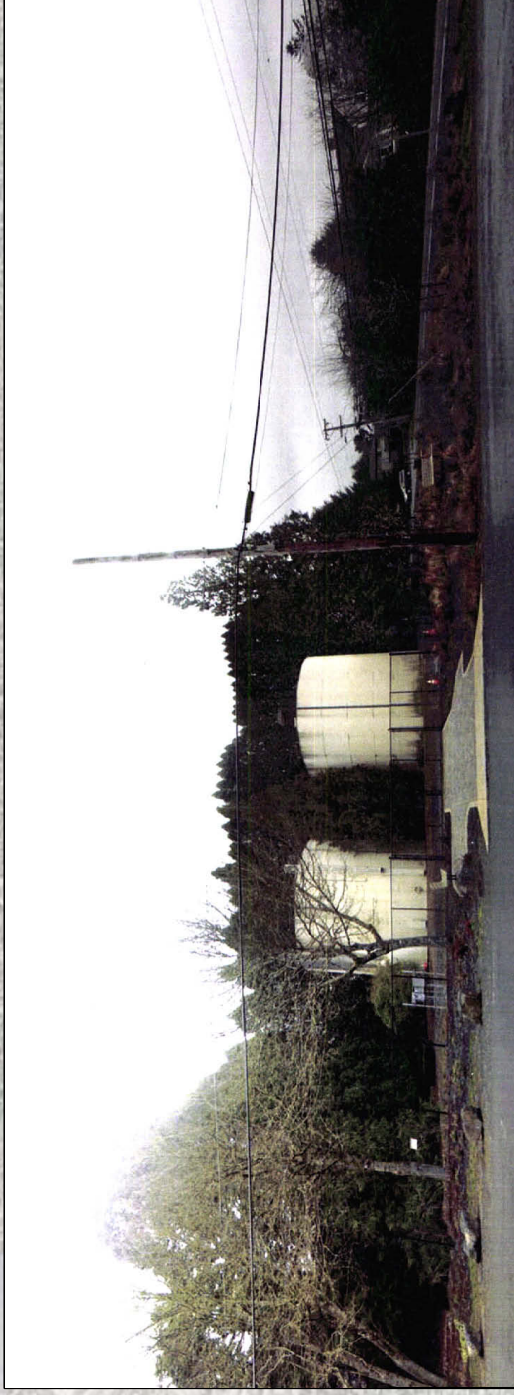
Applicant's modifications to proposal to address appearance concerns

1. Reduced vehicle area on site
2. Eliminated an Adjustment
3. Saved additional trees on site
4. Additional landscaping treatment
5. Public bench in 'pocket park' at corner



Applicant's modifications to proposal

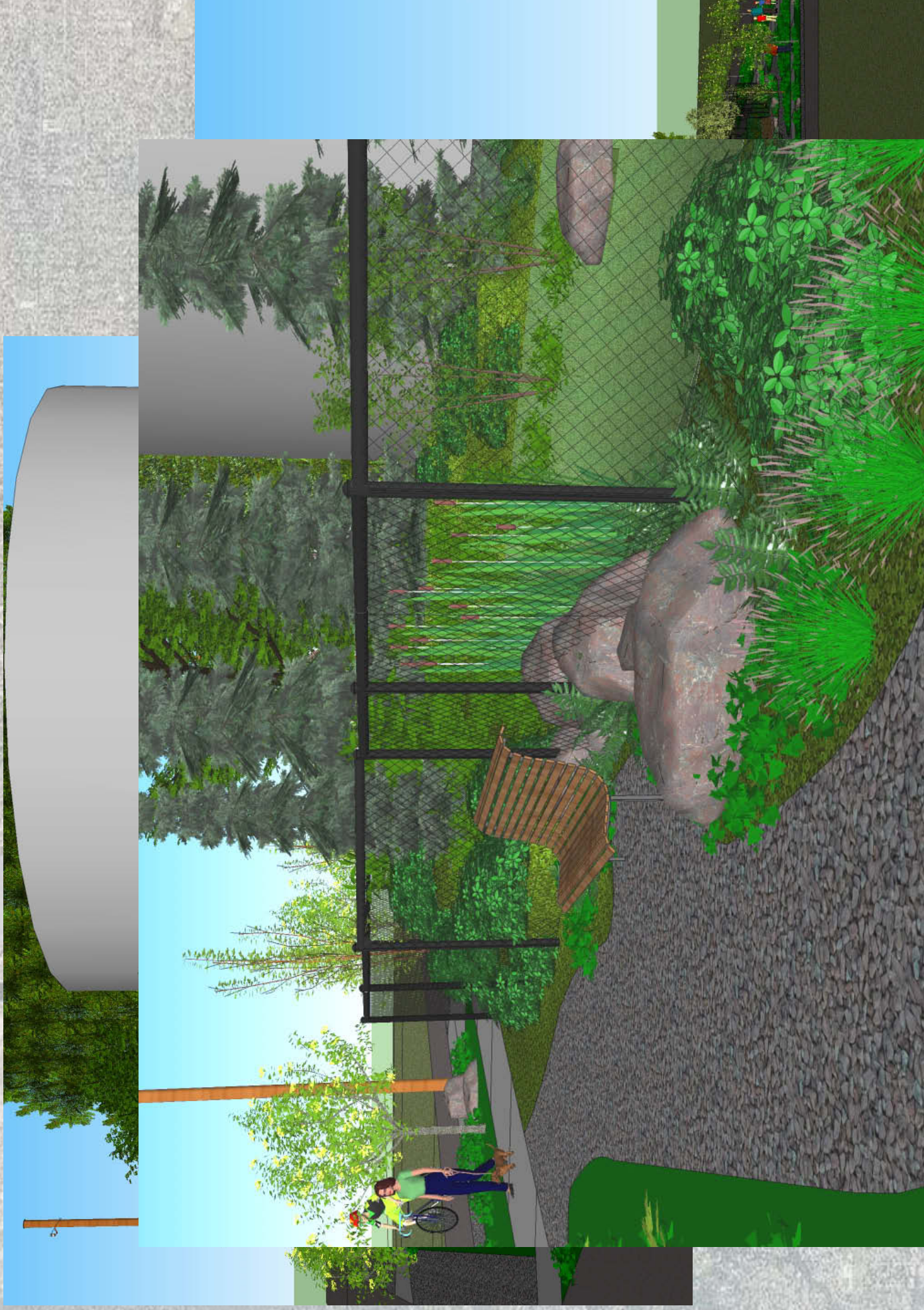
Existing
Conditions



Proposed



Applicant's modifications to proposal



Summary

Hearings Officer's Decision

- **Approval of**

A Conditional Use to demolish two water tanks and replace with one water reservoir; and

An Adjustment to 33.266.130. D.1. to allow vehicle areas on site to remain in gravel

subject to the following conditions:

Summary

Hearings Officer's Decision:

subject to the following conditions:

- **B. In order to ensure that visual appearance remains similar to the existing facility, the new facility must utilize the same black finish on the existing chain link security fence and any new sections of security fencing must have the same black finish.**
- **C. Any plant materials that need to be substituted in lieu of those called out in the landscaping plan should be native species, as recommended by the BES.**

Summary

Hearings Officer's Decision:

subject to the following conditions:

- D. Applicant shall submit to the Bureau of Development Services, as part of the building permit review process, a specific Emergency Notification Plan that has been approved by the City of Portland Office of Emergency Management, to provide emergency notice alerts to owners/occupants of real property with an elevation of 396 feet elevation or lower [such notification area not to extend beyond 500 feet from any Site boundary].











Neighborhood Concerns

- Testimony before the Hearings Officer raised a number of objections.

Visual impacts

Size, height and bulk of reservoir is too big for the site

Reservoir is so big it will cast shadows across multiple properties

TVWD doesn't need the extra water capacity of a bigger reservoir

Property values will decline

Proposal is not compatible with a residential neighborhood

Applicant's response

Asked to hold the record open for 60 days in order to work with the neighbors and modify the proposal.

Submitted a shadow study demonstrating that the 100 foot Sequoyah trees cast the majority of shadows, not the existing or proposed water facility.

Redesigned the overall landscaping, restored the 'pocket park' area in the southwest corner of the site.

Neighborhood Appeal

“The proposal does not meet the provisions of... 33.815.105 that it must be compatible with adjacent residential development based on characteristics such as... building scale and style...”

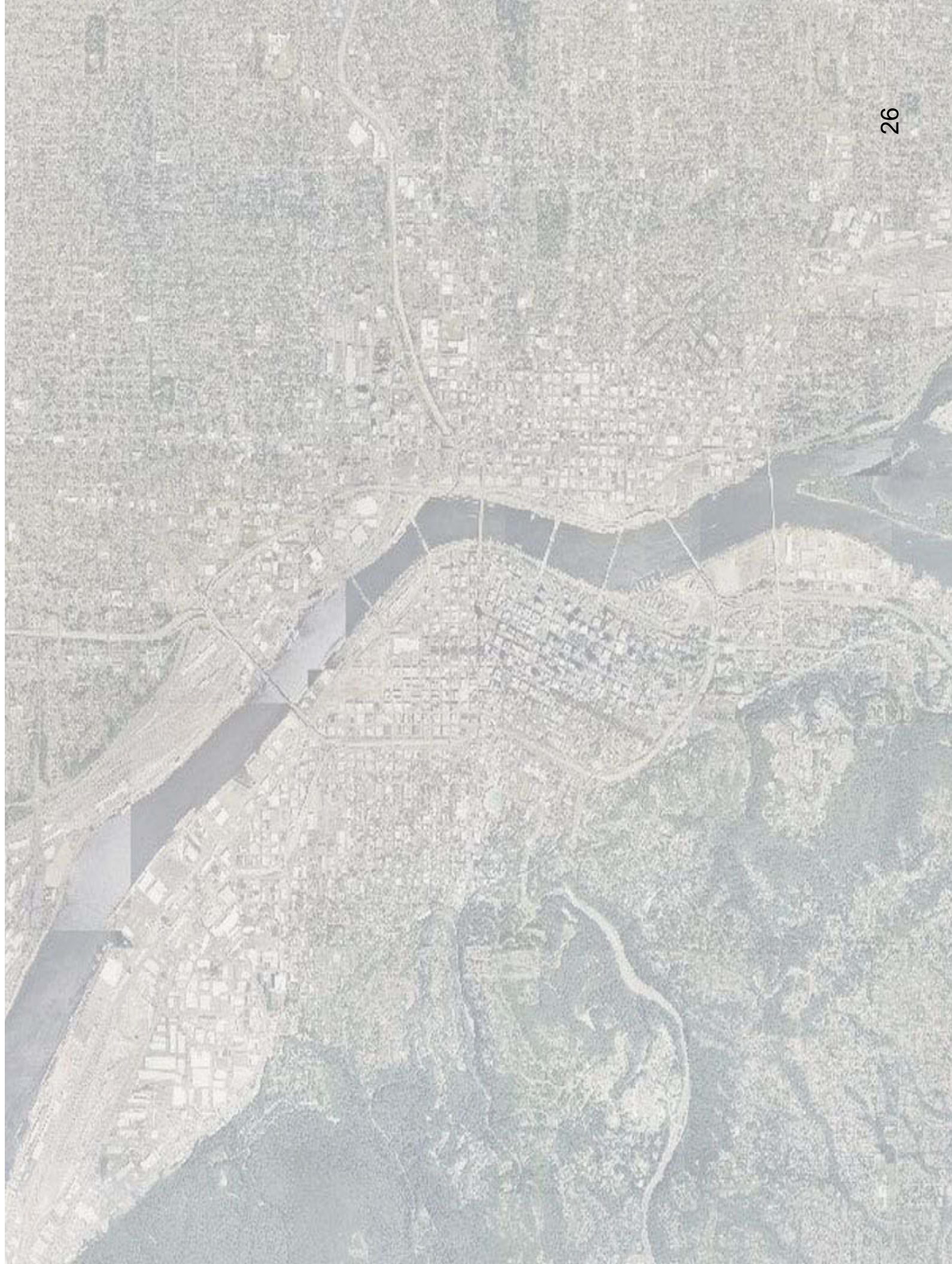
“The proposal does not meet the allowable FAR as set forth in ...33.110.24[5].”

Neighborhood Appeal

33.815.105 B states, in part:

B. Physical compatibility.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.





**City of Portland
Bureau of Development Services**

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Land Use Review 10-200954 CU AD

**Tualatin Valley Water District
6217 SW Garden Home Road**

1

Good Afternoon. I'm Sylvia Cate, the assigned planner for this review, representing the Hearings Officer's decision, which has been appealed by the Ashcreek Neighborhood Association.

Summary of the Proposal

- **Conditional Use:**

To demolish two existing water tanks and replace with one concrete water reservoir

- **Adjustment to one development standard:**

Request to allow vehicle areas on site to remain in gravel to eliminate as much impervious surface as possible

2

The Tualatin Valley Water District operates a water distribution facility at this site, which includes two steel water tanks each with .5 Million Gallons [MG] capacity. The first was constructed in 1952, the second ten years later. TVWD proposes to upgrade and redevelop this facility by demolishing the existing water tanks and replacing them with a single 2 MG concrete reservoir.

TVWD requests an adjustment to allow vehicle access areas on the site to remain in gravel rather than be paved with impervious asphalt.

Approval Criteria

- **Conditional Use:**
33.815.105, *Institutional and Other Uses in Residential Zones*
- **Adjustments:**
33.805.040 A-F, *Adjustments*

The applicable approval criteria are listed here, and the Hearings Officer's decision discusses the proposal and how it complies with these criteria.

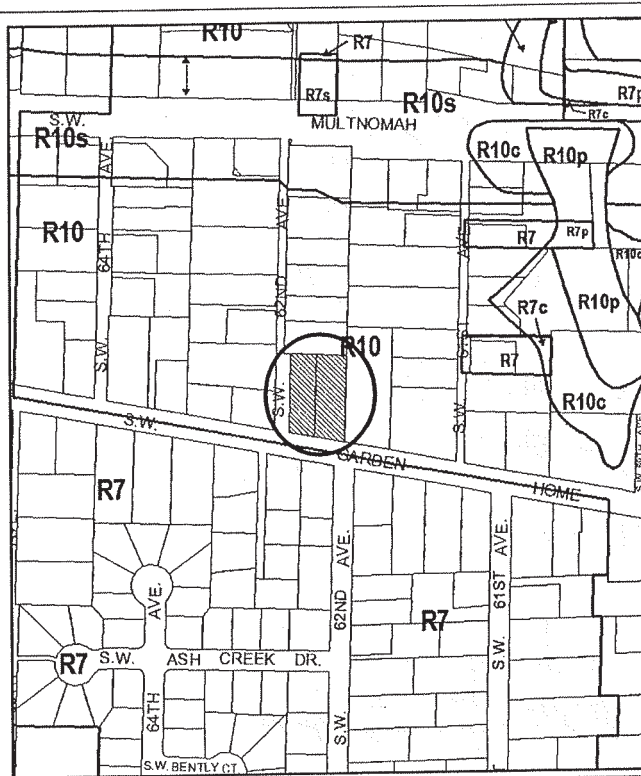
Procedural History

- **Application submitted December 15, 2010**
- **Deemed Complete: December 30, 2010**
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- **Record held open 58 days at applicant's request to work with neighbors**
- **Hearings Officer's Decision: May 6, 2011**
- **Appeal filed: May 23, 2011**
- **120-day clock: expires August 1, 2011 unless extended further by the applicant**

The 120-day clock for this application will expire on August 1 of this year unless it is extended further by the applicant.

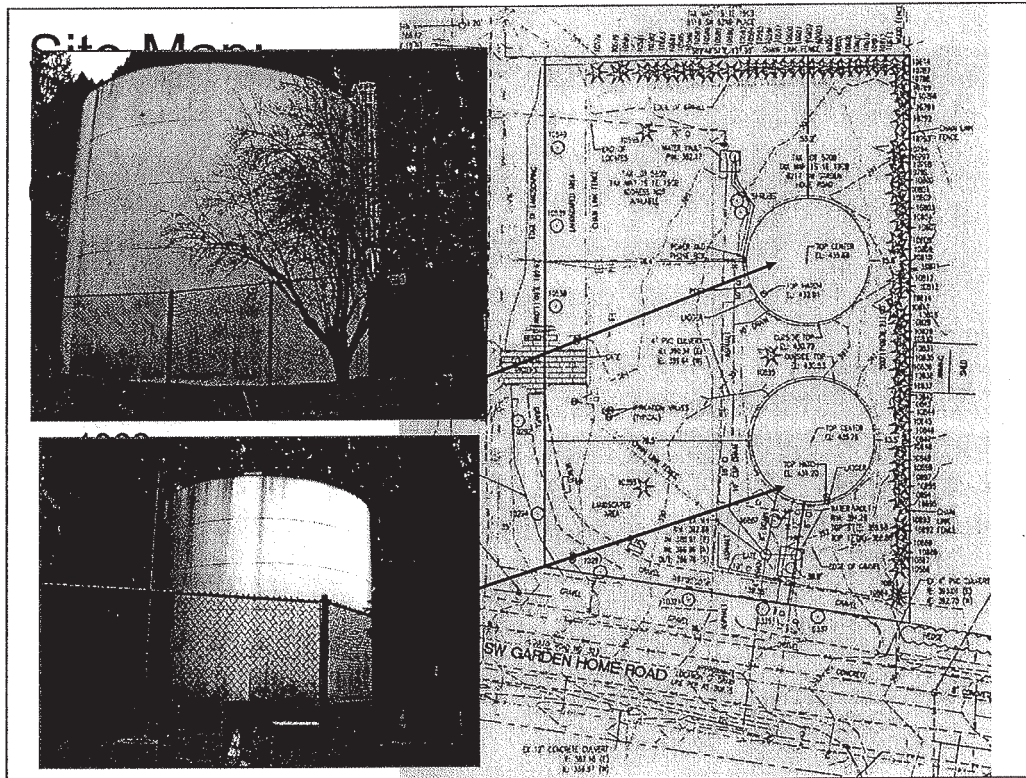
Zoning Map

- .65 acre site
- Zoned R10
- First water tank built circa 1952
- Second tank built 1962, approved by Multnomah County via MCF 8-62 CS



The site comprises two lots approximately .65 acres in area and it is developed with two steel water tanks and associated vaults, valves and piping. The water facility is surrounded by a black chain link security fence. The southwestern corner of the site is landscaped with low plants and shrubbery with pleasantly wide, gravel pedestrian paths and three public benches situated at various points in this landscaped area.

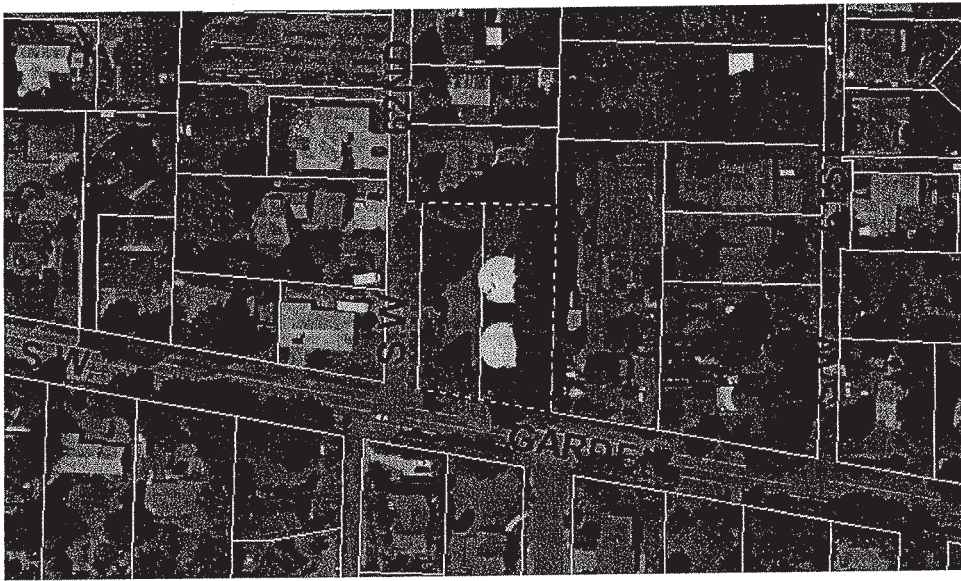
The site has frontage at the northeastern corner of the intersection of SW Garden Home and SW 62nd Avenue. The surrounding area in all directions are single dwelling residentially zoned lots, with R10 immediately surrounding the site and north of SW Garden Home, and R7 zoned lots to the south



The existing reservoirs are nearly 50 and 60 years old and do not have foundations. Neither tank meets current safety and seismic standards.

Replacing the existing tanks will eliminate these obsolete structures and the proposed concrete reservoir would add 1 million gallons of additional water storage at this facility.

Aerial View of Vicinity



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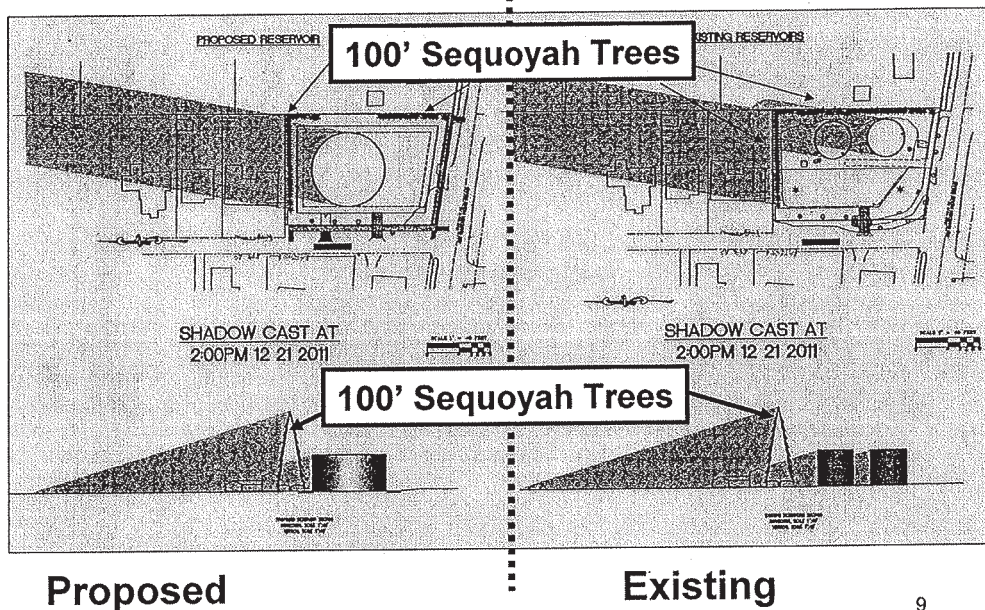
This is an aerial view of the site and the immediate vicinity. As noted in the Hearings Officer's decision, residential uses and development surround the site in all directions.

Site Map: Proposed Improvements

The existing sequoia trees along the east and north property lines are, on average, 100 feet in height and are densely planted such that they form a very thick landscaping buffer.

Views of the existing facilities are quite limited from the north and east due to these trees. The improvements include additional landscaping along the south and west property lines that meet zoning standards and further screen the reservoir from direct views.

Site Map: Shadow Studies



The Hearings Officer received numerous letters and oral testimony at the hearing from neighbors in opposition to the proposal. Many asserted that because the proposed reservoir is so large, it will cast shadows across multiple properties to the north and impact livability.

The applicant prepared this shadow study that demonstrates that the majority of the shadows cast are due to the 100 foot tall Sequoyah trees on the site. Referring to the shading and size of the proposed reservoir, the Hearings Officer found that the record contains "...substantial evidence that the existing two water tanks with the current landscaping creates impacts upon the adjacent residential properties." However he also found "...that the impacts will not significantly increase if this proposal is approved."

Table 110-5: Institutional Development Standards

Table 110-5 Institutional Development Standards [1]		PROPOSED DEVELOPMENT
Minimum Site Area for New Uses	10,000 sq. ft.	Met. Site area 13,721 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1	Met. 0.27 proposed:
Maximum Height [3]	50 ft.	Met. 4 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.	Met. Reservoir is setback 33.8, 23.3, 73.6 and 23.1 ft from north, east, south & west property lines
Maximum Building Setback Transit Street or Pedestrian District	20 ft. for CU/District New	Waived per CU review
Maximum Building Coverage [2]	50% of site area	Met. 27% proposed
Minimum Landscaped Area [2, 4]	50% site area to the L1 standard	Met. 62% proposed
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard	Met. Prior AD withdrawn, standard met.
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Parking and Loading	See Chapter 33.266, Parking And Loading	Met, <i>except</i> for gravel in vehicle areas, 1 <i>Adjustment</i> requested
Signs	See Title 32, Signs and Related Regulations	No signage proposed beyond existing warning signs

Institutional uses in the single dwelling residential zones must comply with the institutional development standards found at Table 33.110-5.

The proposed reservoir meets or exceeds all required setbacks, is under the maximum 50 foot height limit, and will exceed the required landscaping and screening.

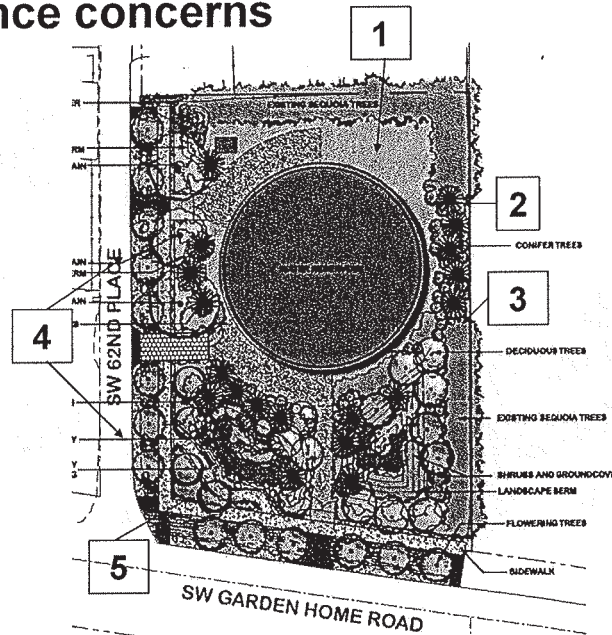
The proposed reservoir will result in a total building coverage of 27% of the site, well below the 50% maximum allowed.

The purpose of these separate institutional development standards is found at 33.110.245 A, which states:

The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

Applicant's modifications to proposal to address appearance concerns

1. Reduced vehicle area on site
2. Eliminated an Adjustment
3. Saved additional trees on site
4. Additional landscaping treatment
5. Public bench in 'pocket park' at corner

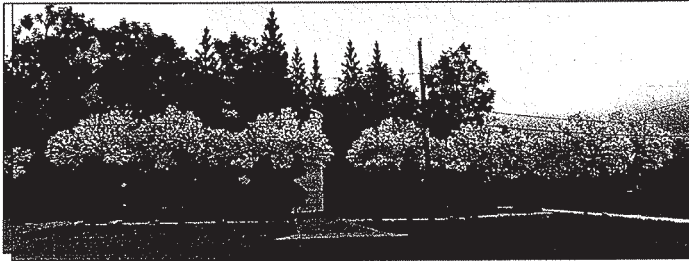


At the Public Hearing, the applicant requested that the record be held open for 60 days so that TVWD could have more time to meet with the neighbors and collaborate on potential revisions to the proposal to address neighbors' concerns.

The result was a revised site plan which reduced vehicle area on site, eliminated an Adjustment, saved additional trees on site, added additional berms and landscaping through out the site for visual interest, and reconfigured a 'pocket park' area at the corner, with a public bench and a gravel side path.

Applicant's modifications to proposal

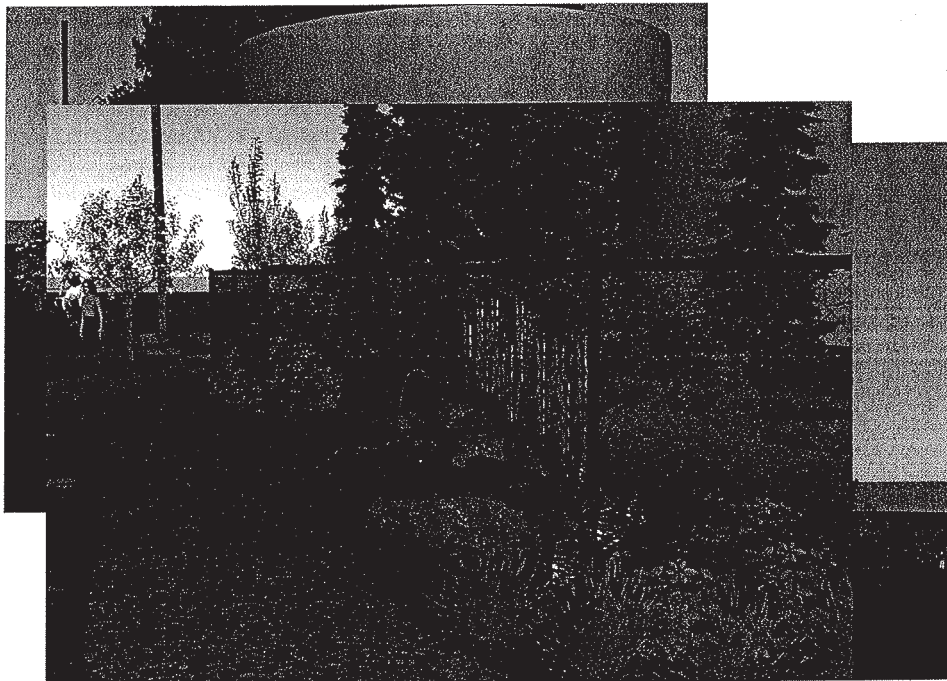
Existing
Conditions



Proposed

The applicant submitted photo-simulations depicting the existing conditions looking at the site from SW 62nd, and depicting the proposal with landscaping looking at the site from the same vantage point.

Applicant's modifications to proposal



The applicant also submitted a number of architectural renderings depicting the revised proposal and landscaping, from several vantage points.

It is important to note that the existing conditions of the site include very sparse landscaping along the western boundary, thus exposing the facility to near full views to the residents along SW 62nd Avenue. The revised site plans not only meets the perimeter landscaping requirements, but also adds significant landscaping through out the site and provides a public bench within a landscaped area at the southwest corner of the site.

Summary

Hearings Officer's Decision

- **Approval of**

A Conditional Use to demolish two water tanks and replace with one water reservoir; and

An Adjustment to 33.266.130. D.1. to allow vehicle areas on site to remain in gravel

subject to the following conditions:

The Hearings Officer approved the modified proposal... [next slide]

Summary

Hearings Officer's Decision:

subject to the following conditions:

- **B. In order to ensure that visual appearance remains similar to the existing facility, the new facility must utilize the same black finish on the existing chain link security fence and any new sections of security fencing must have the same black finish.**
- **C. Any plant materials that need to be substituted in lieu of those called out in the landscaping plan should be native species, as recommended by the BES.**

15

With three conditions, the first two to ensure aesthetics are maintained and...[next slide]

Summary

Hearings Officer's Decision:

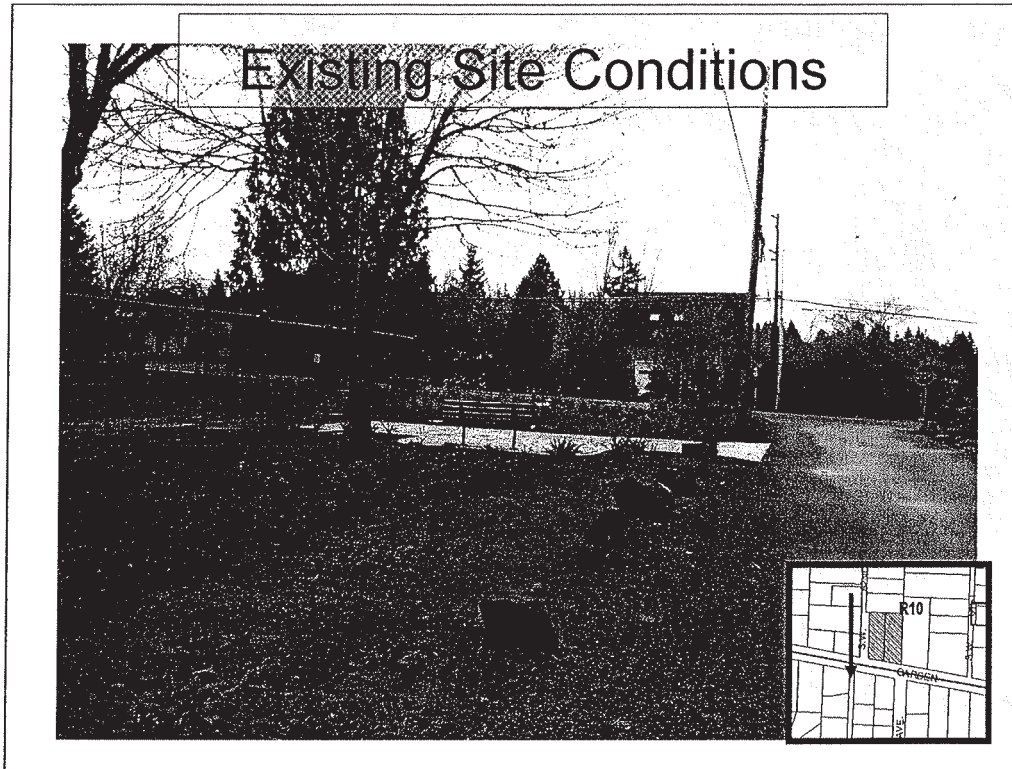
subject to the following conditions:

- D. Applicant shall submit to the Bureau of Development Services, as part of the building permit review process, a specific Emergency Notification Plan that has been approved by the City of Portland Office of Emergency Management, to provide emergency notice alerts to owners/occupants of real property with an elevation of 396 feet elevation or lower [such notification area not to extend beyond 500 feet from any Site boundary].

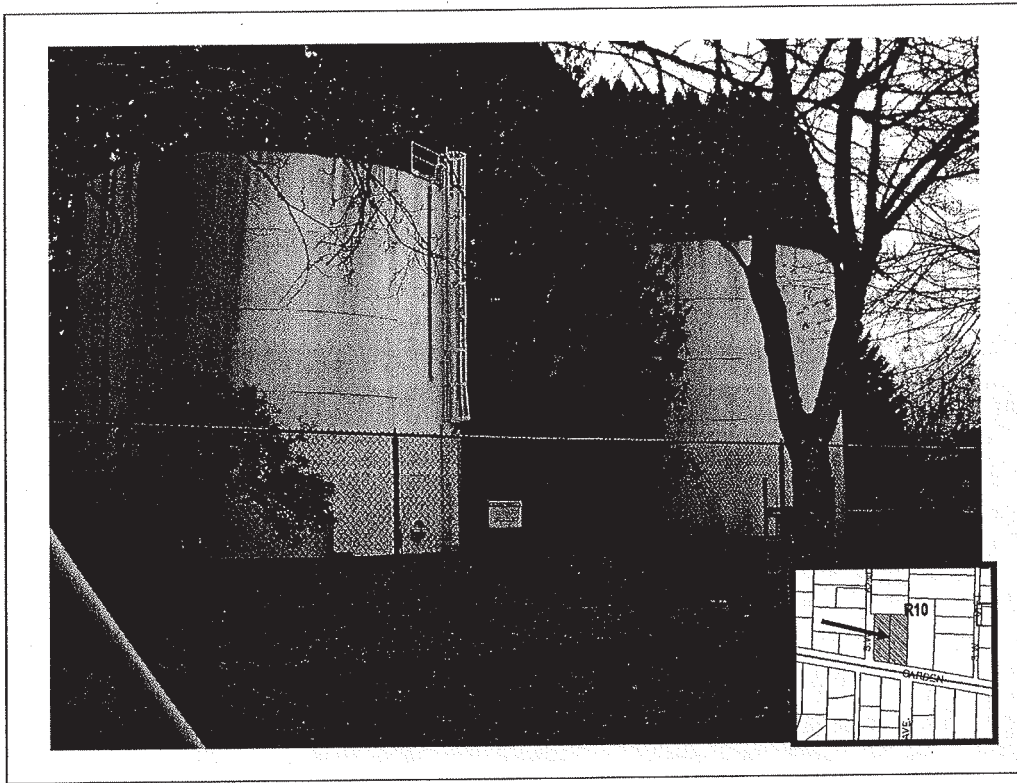
16

A third condition to ensure safety in an emergency.

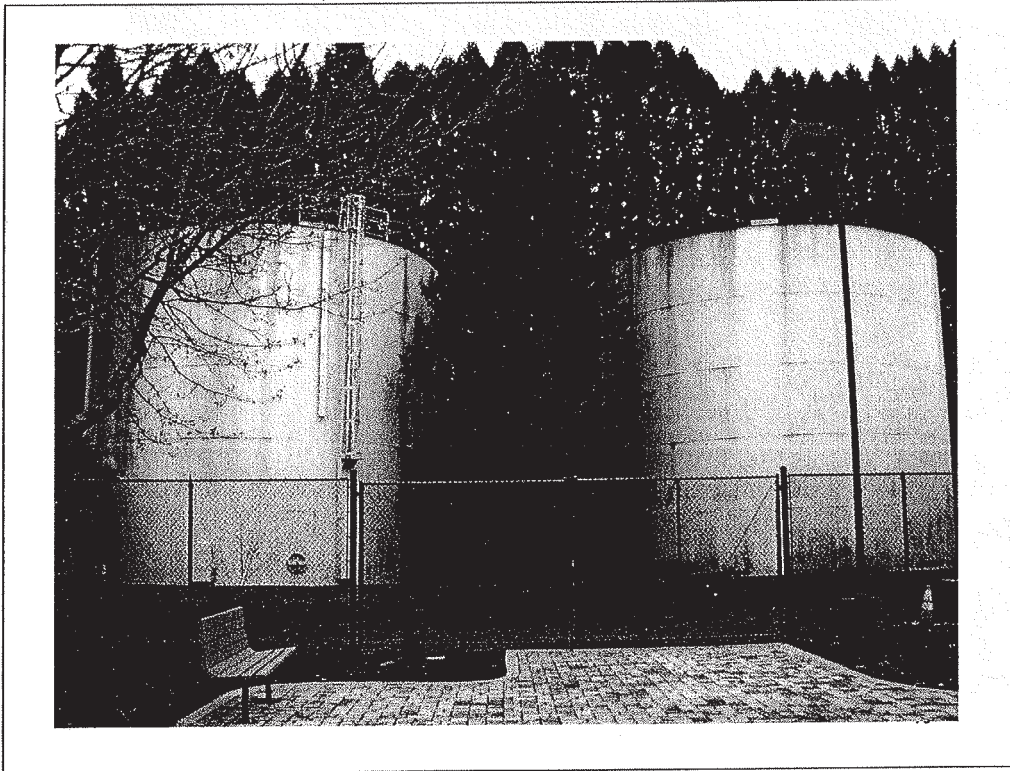
We will now go on a virtual site tour of the site....



This is a view looking to the south toward SW Garden Home Road. The subject site is to the left. SW 62nd is to the right.



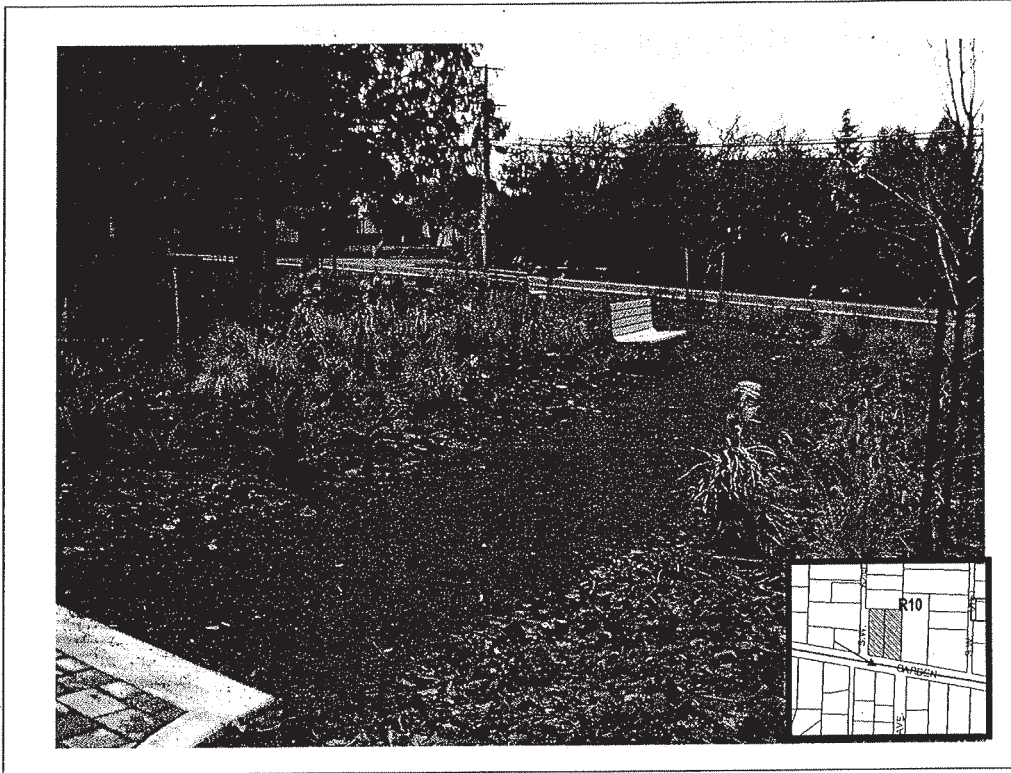
This is a view of the facility from SW 62nd Avenue. The existing landscape screening along this side of the site does not meet current zoning standards, however the proposed improvements include installing substantial perimeter and on-site landscaping that exceeds the zoning code requirements.



This view of the site shows the existing stand of sequoia trees, which are approximately 100 feet in height. These trees form a mature screen of greenery that obscure the facility from views from the north and east. Some of the trees along the east property line will be removed to allow sufficient space for maintenance of the new reservoir. The trees will be replaced with new landscaping that meets zoning requirements.



This view from SW 62nd shows the scale of the existing tanks as compared to the existing sequoia trees on site. The existing tanks are approximately 45 feet in height, the proposed reservoir is 46 feet in height. A majority of the sequoia trees are proposed to remain on site, and their close spacing combined with the 100 feet of height provides a dense vegetative screen of the facility from the east and north.



This view shows the gravel path and a public bench surrounded by ornamental landscaping at the southwest corner of the site. SW Garden Home Road can be seen in the background.

Neighborhood Concerns

- Testimony before the Hearings Officer raised a number of objections.

Visual impacts

Size, height and bulk of reservoir is too big for the site

Reservoir is so big it will cast shadows across multiple properties

TVWD doesn't need the extra water capacity of a bigger reservoir

Property values will decline

Proposal is not compatible with a residential neighborhood

22

At the public hearing, a number of issues were raised by neighbors and the Ashcreek Neighborhood Association. Some, as noted in the Hearings Officer's decision are not relevant to the applicable approval criteria. Other concerns raised were relevant, particularly regarding the visual appearance and the impacts of the proposal on the residential area.

Applicant's response

Asked to hold the record open for 60 days in order to work with the neighbors and modify the proposal.

Submitted a shadow study demonstrating that the 100 foot Sequoyah trees cast the majority of shadows, not the existing or proposed water facility.

Redesigned the overall landscaping, restored the 'pocket park' area in the southwest corner of the site.

23

As previously mentioned, the applicant requested additional time in order to work with the neighbors and make revisions to the proposal, based on the public input received during a series of public outreach events.

Neighborhood Appeal

“The proposal does not meet the provisions of... 33.815.105 that it must be compatible with adjacent residential development based on characteristics such as... building scale and style...”

“The proposal does not meet the allowable FAR as set forth in ...33.110.24[5].”

24

The Ashcreek Neighborhood Association appealed the Hearings Officer's decision, stating that the proposal does not meet the 'physical compatibility' criterion nor complies with the allowable FAR for Institutional Uses in residential zones.

Neighborhood Appeal

33.815.105 B states, in part:

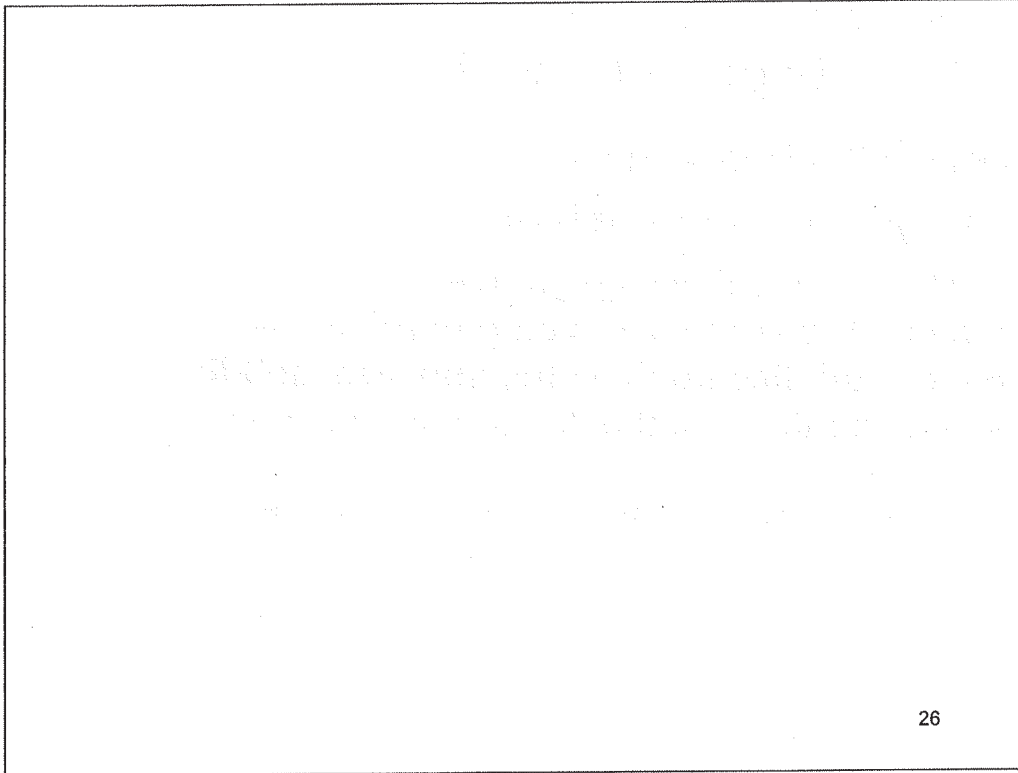
B. Physical compatibility.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

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In his decision, the Hearings Officer notes that this criterion "...does not require the proposed use to 'look just like' houses in the nearby residential area." the Hearings Officer found that "often times institutional uses that locate in residential zones do not look like, and are bigger, than residences in the surrounding area." The Hearings Officer found that the relevant characteristics 'need to be considered collectively and a balance test employed.' The hearings Officer found that on balance the proposed water reservoir will be compatible with adjacent residential development and that the proposed water tower will not significantly conflict with the appearance and function of the area.



This concludes Staff's presentation.