



City of Portland Bureau of Development Services

Staff Presentation to the
City Council

--on appeal of --

LU 10-169463 CU MS EN AD
Powell Butte Master Plan/Environmental/Adjustment Review

December 17, 2010, the **Hearings Officer approved:**

- **Powell Butte Conditional Use Master Plan Amendment**
 - ♦ to revise stormwater facilities, park center, and trail plan.
- **Environmental Review**
 - ♦ to construct water system facilities, stormwater facilities, park center, and trails.
- **Adjustment Review**
 - ♦ to widen Conduit 5 disturbance area, suitable plantings for Conduit 5 area, tree removal for construction, and native screening plantings.

Approval Criteria

- **Conditional Use Master Plan**

Zoning Code 33.820.050 and 33.820.070

Conditional Use 33.815.100

- **Environmental Review**

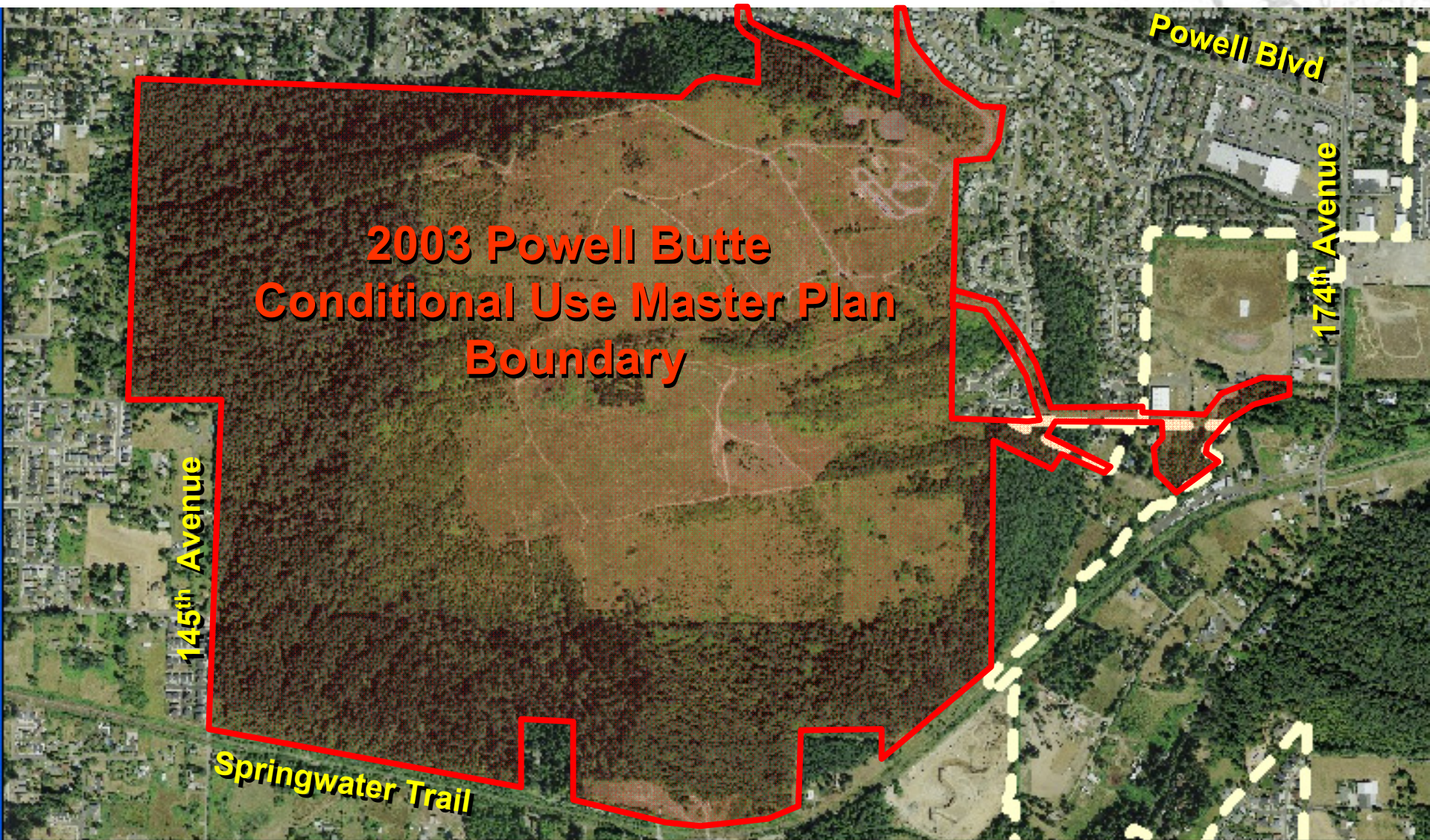
Powell Butte Master Plan (pg. 42)
approval criteria for Environmental
Review

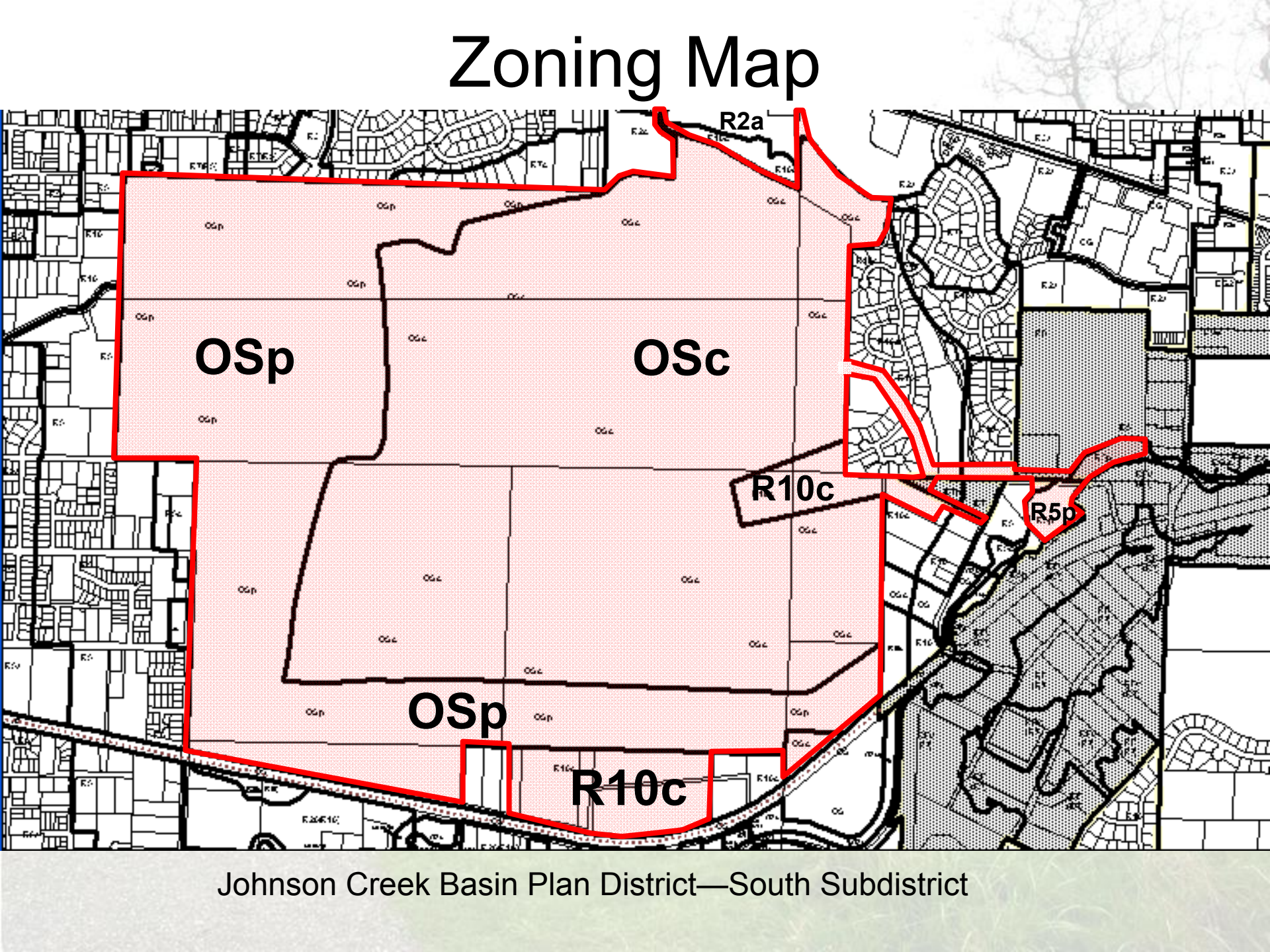
- **Adjustment Review**

Zoning Code 33.805.040

- 120-day clock to expire 2/18/2011

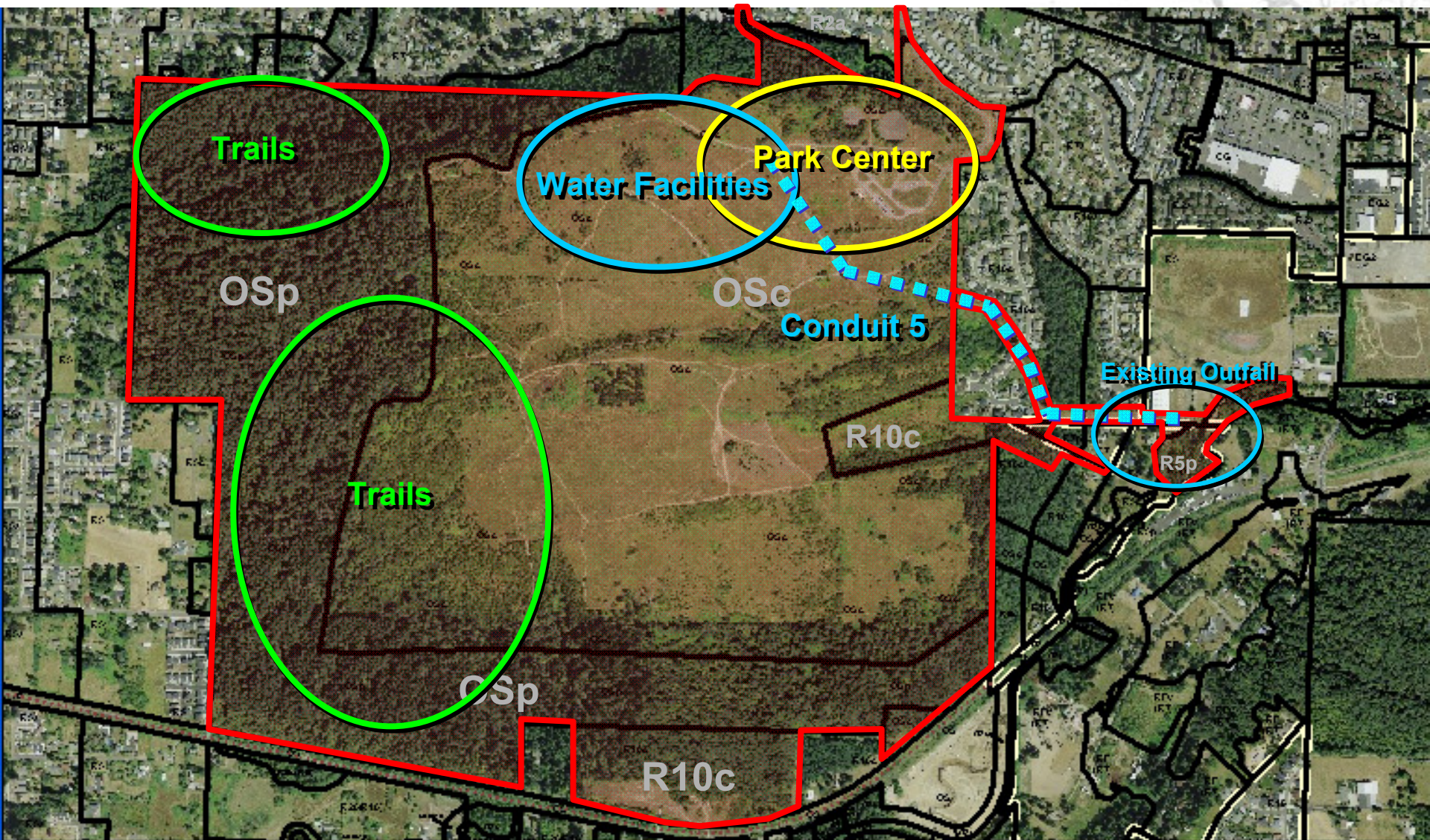
Site Vicinity





Johnson Creek Basin Plan District—South Subdistrict

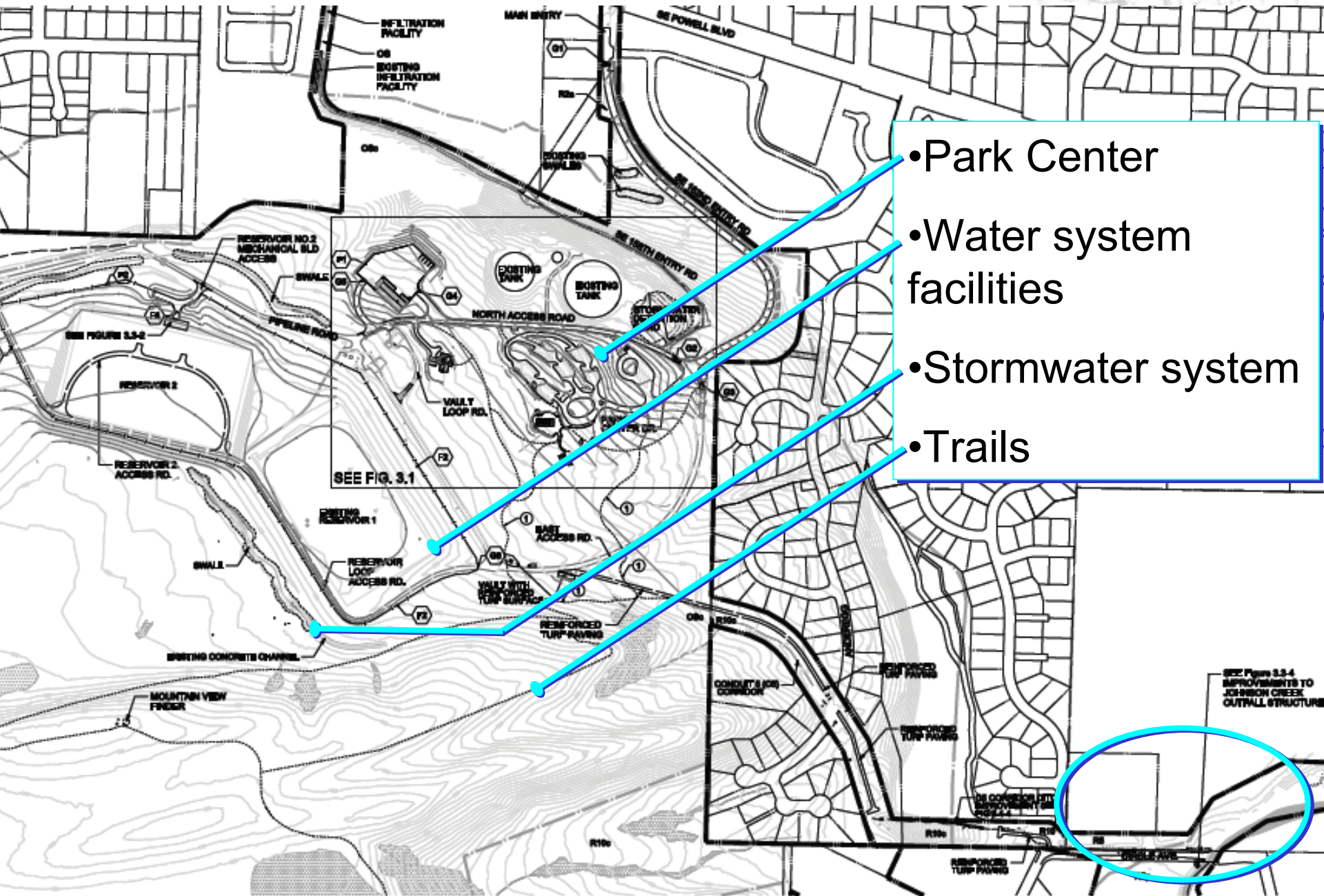
Proposed Project Areas



Reservoir #2 Construction Area



Proposed Development Plan



- Park Center
- Water system facilities
- Stormwater system
- Trails

Existing Outfall Wingwall



08/23/2010

Outfall Wingwall Extensions



Existing wingwalls
extended **1-2** feet
higher

Bridge Access

Construction access
limits/ temporary
construction fence

Straw wattles along Bank

Hearings Officer Decision

Approval of:

- **Amendments to the Conditional Use Master Plan for Powell Butte**, with the duration of the amended Master Plan to extend at least the requested five years from the date of the final decision of this Land Use Review, or until the approved Master Plan is superseded by a request to further amend and update the Master Plan, or until all proposed development approved under this amendment is completed, within a maximum of ten years from the date of the final decision;
- **Environmental Review** to construct water system and park center components, stormwater facilities, and trails; and
- **Adjustment Review** to allow a disturbance area wider than 40 feet for Conduit 5; to allow shrub plantings as shown on Exhibits C.46 through C.60; to allow tree removal as shown on Exhibits C.78 through C.89; and to allow parking lot plantings as shown on Exhibits C.46 through C.60;

which together, allows the implementation and development of 'Stage 2' construction of a new underground water reservoir, water system components, trails, and park improvements; in substantial conformance with Exhibits C.8 through C.91.

Appeal Points

- Approval Criterion 33.815.100 C is not met as it pertains to safety. The appellant requests as much early notification of a 1,000-year flood as is possible.
- The applicant did not address grading, excavating or filling as part of the environmental review.
- The rock construction entrance required by City Title 10 was not built until May 13, 2010; Title 10 standards may not be met in this process.
- Standards regulating outfalls discharging to Johnson Creek are not met. The permits from applicable state and federal agencies have not been obtained.

Appeal Point #1--Response

Ms. Cate, Senior BDS Planner, responded to Ms. Bauer's safety concerns (Exhibit H.25). Ms. Cate stated, in Exhibit H.25 the following:

"She [Ms. Bauer] asserts that the potential for an emergency overflow pipe for the stormwater management system could release a 1,000 year flood event, and therefore there are both impacts that have not been addressed as well as safety issues associated with this possibility.

--Pg 30 Hearings
Officer Decision

There is substantial evidence in the record noting that the stormwater management system proposed for the water bureau facility on Powell Butte has been engineered for a 100 year storm event, as required by the City of Portland's current Stormwater Management Manual...

--Pg 31 Hearings
Officer Decision

Appeal Point #1--Response



EMERGENCY OPERATIONS PLAN

PART I

BASIC PLAN

1.0 INTRODUCTION

This Emergency Operations Plan addresses a broad range of potential emergency situations that may affect the Portland Bureau of Water Works and supplements the City of Portland Basic Emergency Services Plan.

The Bureau of Water Works' system (OR 410057) is owned by the City of Portland. The system serves a population of over 450,000 retail customers in Portland, as well as dozens of wholesale suppliers in the Portland Metropolitan area.

--Exhibit H.4.h

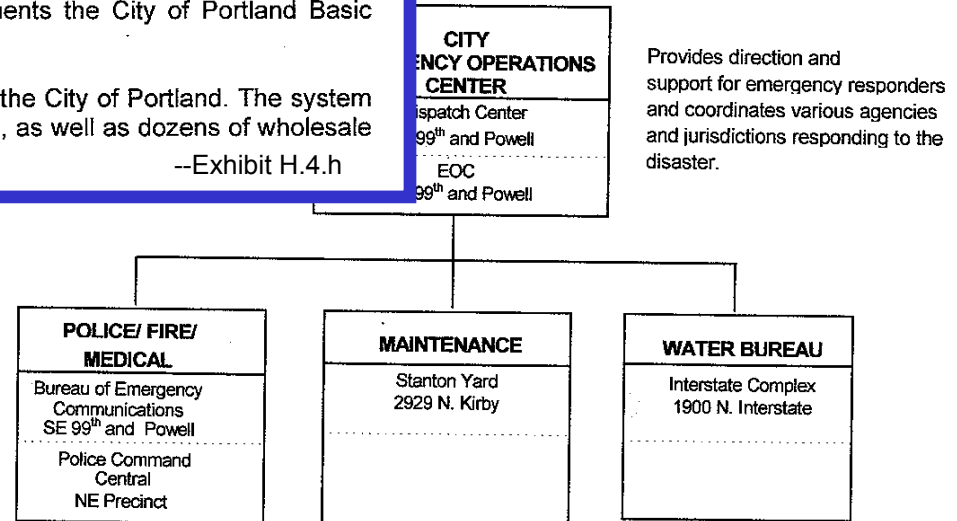


Figure 2
City Emergency Operations Control Centers

Appeal Point #2--Response

- **LU 09-125820 EN AD:** Approval of an Environmental Review for: Preliminary reservoir excavation for Reservoir #2, along with temporary soil stockpiling, temporary stormwater collection, treatment and disposal; relocation of the Goldfinch Trail to move the trail out of the reservoir construction area; widening of the main park entry road; construction of haul roads to provide construction access; removal of 119 native trees; removal of 8 acres of invasive hawthorn and Himalayan blackberry; and approval of two Adjustments for: removal of 47 native trees greater than 6 inches in diameter and farther than 10 feet from proposed structures or 5 feet from proposed paved areas; and replacing 91 conifer trees with Oregon white oak, and other species of trees.

--Pg 13 Hearings
Officer Decision

Appeal Point #2--Response

2. The construction management plan prevents adverse impacts to areas outside of the approved disturbance area.

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion off the site.

Exhibit A.1 (Appendix B) in the application case file describes the Applicant's proposed Construction Management Plan ("CMP"). In addition, an alternate Tree Preservation Plan is presented in Exhibit A.2.

The application includes a construction schedule, general management practices, and provisions for erosion control, tree protection, and site management. Staging and stockpile areas, vehicle circulation routes, and other construction management measures are illustrated in Exhibits C.62 through C.77. Overall construction management proposed by PWB includes the following:

Appeal Point #2--Response



Appeal Point #3--Response

From: Shaff, David

Sent: Thursday, May 13, 2010 9:18 AM

To: Commissioner Fritz

Cc: Leonard, Randy; Adams, Sam; Fish, Nick; Saltzman, Dan; 'Benningho
'Jurries.Dennis@DEQ.state.or.us'; Stuhr, Michael; Elliott, Teresa

Subject: RE: Emailing April 30 2010 March 11 2010 March 19 2010

--Pg 7 & 8 Appeal
Statement

specific erosion control. Even though BDS (and the original BES Erosion Control Plans designer) agreed that we were meeting erosion control from a visual and functional standpoint with the existing situation, and were meeting all approved plan requirements, BDS suggested we add a rock entrance prior to the pavement as another tool. We agreed in good faith to construct the rock entrance, even though we believed it was not needed.

We had the contractor put in a rock entrance, and there was a miscommunication regarding size of rock. The contractor put in 2 1/2 -inch minus rock, 50 feet long, in early April. This rock does not meet the manual requirements. The manual defines a rock entrance as 2-inch to 6-inch rock, 50 feet long. We have redirected the contractor to place the required rock as specified in the manual. The contractor did not work very many days in April hauling material because of the unusually wet weather. This was another protective measure to control sediment tracking into the right of way. Because of the limited work in April, we allowed the contractor to defer reinstalling the second rock entrance until dryer weather in order to avoid the risk of creating erosion of the wet soils. The contractor completed the rework of the rock entrance this week.

Appeal Point #4--Response

Ms. Bauer, an opponent of this application, raised issues regarding safety aspects of the emergency overflow from the storage reservoirs (Exhibits H.4, H.10, H.11, H.12 and Ms. Bauer's public hearing testimony). PWB, BDS staff, and BES staff provided responses to Ms. Bauer's stormwater concerns (Exhibits H.25, H.26, H.27 and H.28). The Hearings Officer concurs with PWB, BDS and BES staff that the amendments sought in this application by PWB will not alter the probability or severity of an emergency overflow event discharging into Johnson Creek.

Except for the two standards for which Adjustments are proposed, these standards are met.

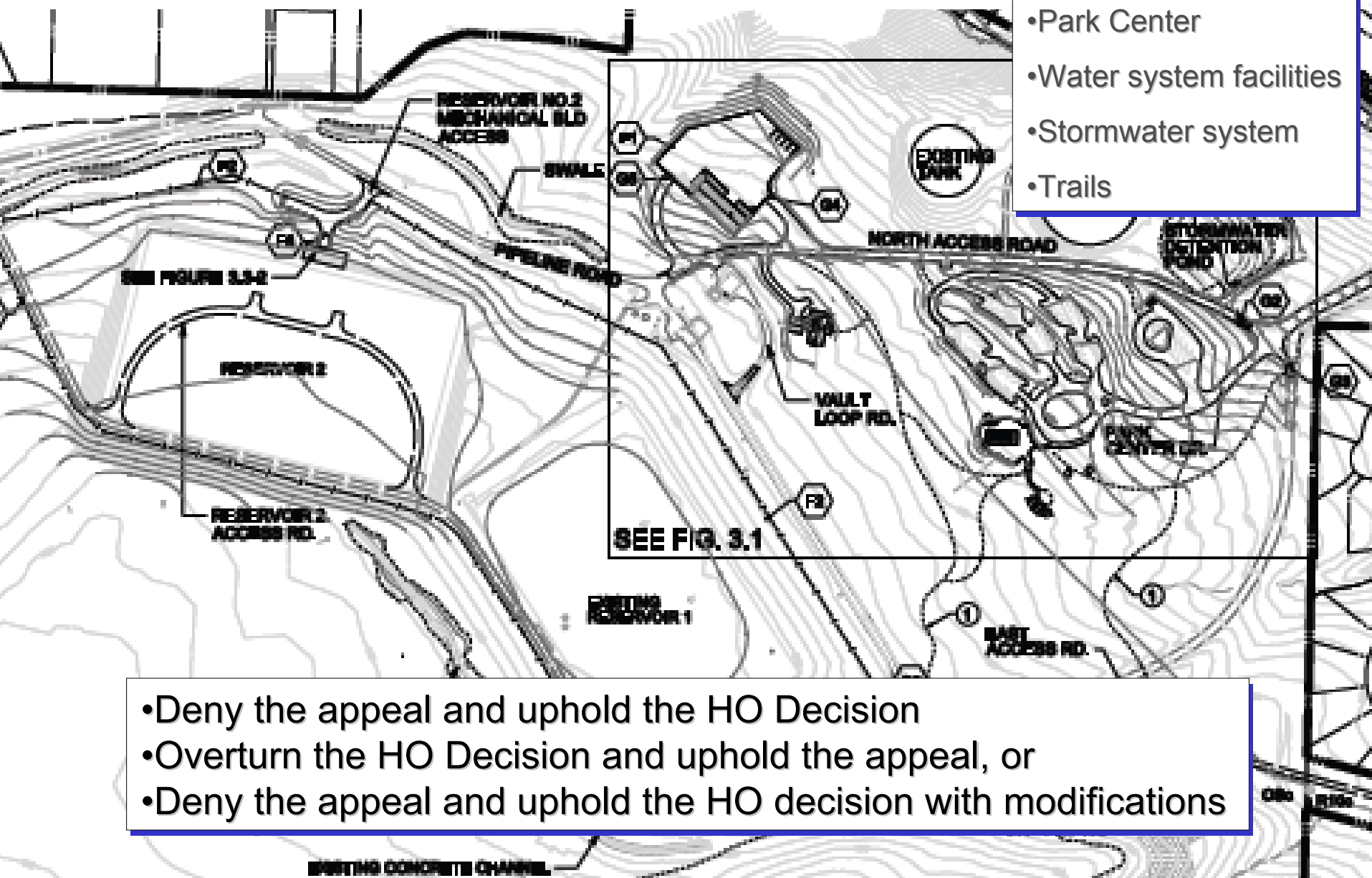
--Pg 62 Hearings
Officer Decision

Outfalls may discharge storm water or overflow into Johnson Creek if designed to reduce potential erosive effects and if authorized by applicable state and federal permits.

Response: The disturbance area will be completely restored and planted with native groundcover. As shown on the landscape plans, at least half of the plants will be flowers and other half will be grass (by area coverage), with a total of at least eight species included. Cover and species requirements will be confirmed in one year, or two growing seasons from final inspection.

No new outfalls to Johnson Creek are proposed as a result of this project. In addition, there is no proposed change to the area of stormwater collection that will discharge to Johnson Creek. The

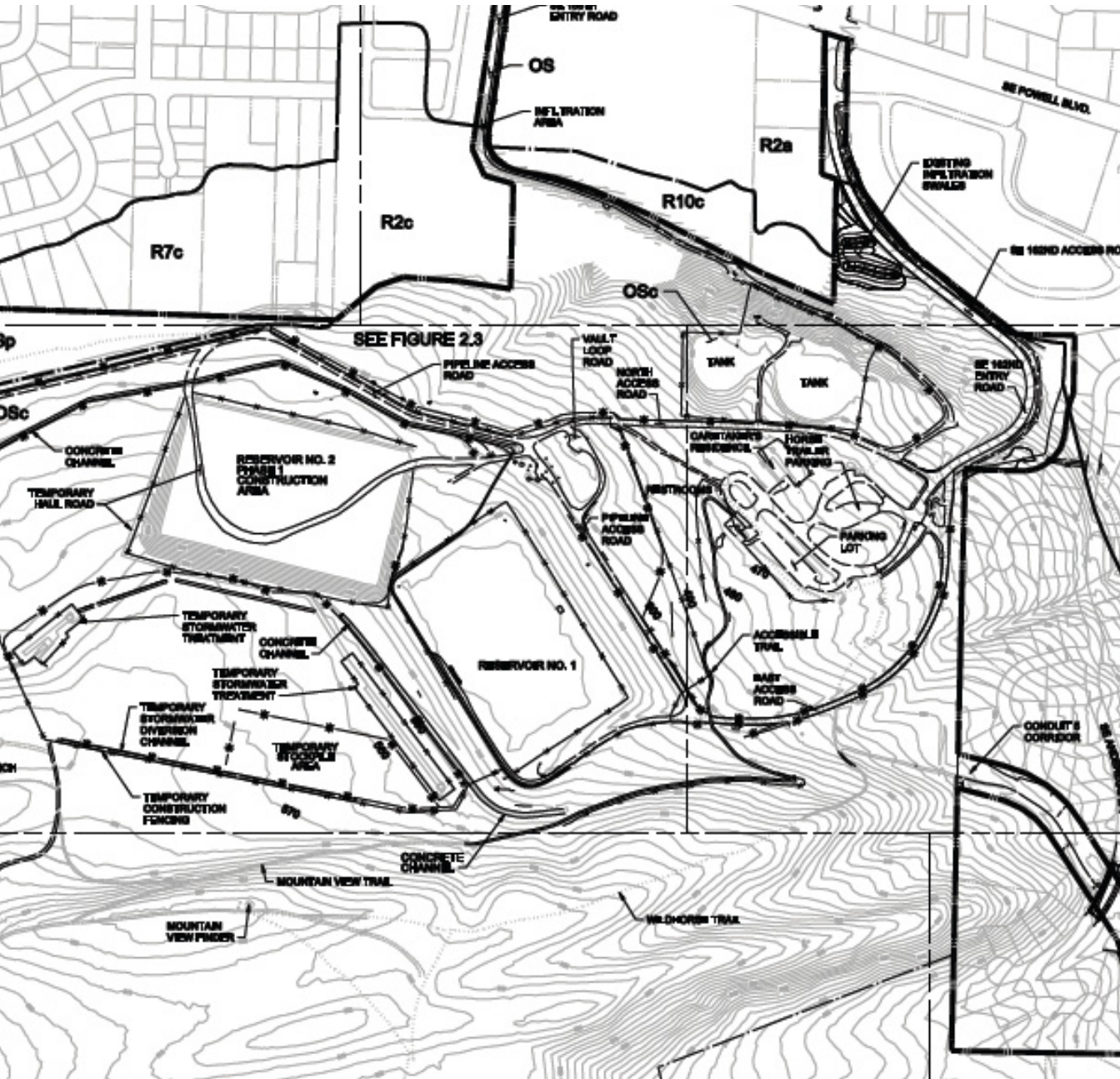
Powell Butte Improvements



February 2011

Monday January 31	Tuesday February 1	Wednesday 2	Thursday 3	Friday 4	Sat/Sun 5
			hearing date		6
7	8	9	10	11	12
					13
14	15	16	17	18	19
				120 day clock expires	20
21	22	23	24	25	26
					27
28	March 1	2	3	4	5
					6

Existing Conditions Plan



- Entry road
- Parking areas, interpretive center, caretaker house
- Reservoir 1, and excavation for Reservoir 2
- Temporary stormwater ponds
- Construction roads
- Trails

Existing parking lots

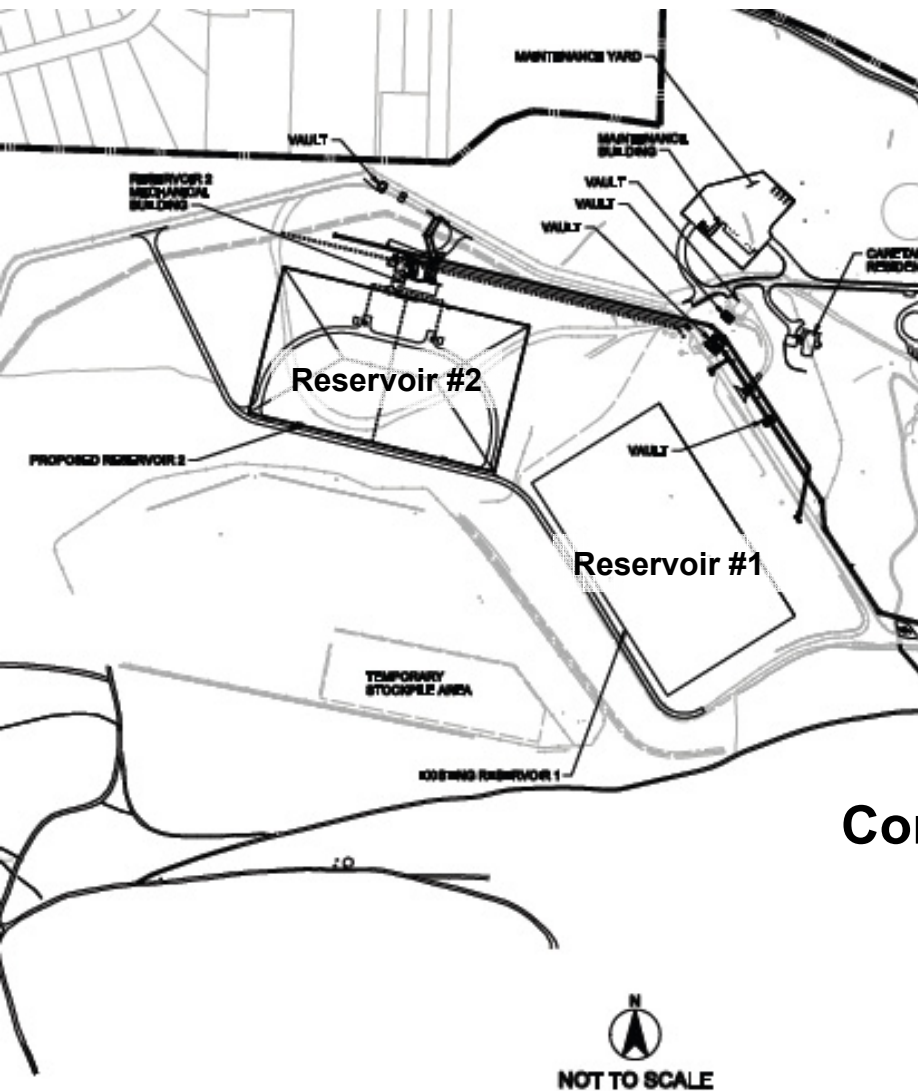


Existing outfall at Johnson Creek



Proposed Water Facilities

- Final Construction Reservoir #2
- Mechanical Buildings & Utilities
- Stormwater Management
- Conduit #5
- Outfall to Johnson Creek wingwall extension



Conduit 5



Existing Outfall to Johnson Creek

