**City of Portland, Oregon**
**Bureau of Development Services**
**Land Use Services**
FROM CONCEPT TO CONSTRUCTION

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# STAFF REPORT AND RECOMMENDATION TO THE HISTORIC LANDMARKS COMMISSION

CASE FILE: LU 14-218444 HR EN –
Mt. Tabor Reservoirs Disconnection
PC # 14-118276
REVIEW BY: Historic Landmarks Commission
WHEN: January 12, 2015 @ 1:30pm
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

**BUREAU OF DEVELOPMENT SERVICES STAFF:**
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***Please note:*** In this revised staff report, additions of text are shown as boxed, while deletions of text are shown as ~~strikethrough~~.

## GENERAL INFORMATION

| | | |
|---|---|---|
| **Applicant:** | Tom Carter, Applicant | 503-823-7463 |
| | Teresa Elliot, Property Manger | 503-823-7622 |
| | Patrick Easley, Contact Person | 503-823-7005 |
| | City of Portland, Owner | |
| | c/o Portland Water Bureau | |
| | 1120 SW 5th Avenue, Suite 600 | |
| | Portland, OR 97204 | |
| **Site Address:** | 6325 SE DIVISION ST | |
| **Legal Description:** | TL 100 190.28 ACRES, SECTION 05 1S 2E | |
| **Tax Account No.:** | R992050130, R992050130 | |
| **State ID No.:** | 1S2E05 00100, 1S2E05 00100 | |
| **Quarter Section:** | 3236,3237,3136,3137 | |
| **Neighborhood:** | Mt. Tabor, contact Stephanie Stewart at 503-230-9364. | |
| **Business District:** | Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832. | |
| **District Coalition:** | Southeast Uplift, contact Bob Kellett at 503-232-0010. | |
| **Plan District:** | None | |
| **Other Designations:** | Mount Tabor Park Reservoirs Historic District was listed in the National Register of Historic Places on January 15, 2004. Mount Tabor Park, also a | |

historic district, was listed in the National Register of Historic Places on September 22, 2004.

**Zoning:** OS, OSc – Open Space base zone with Environmental Conservation overlay zone

**Case Type:** HR (Historic Resource Review) & EN (Environmental Review)
**Procedure:** Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

**Proposal**: In order to respond to the federal government's Long Term Enhanced Surface Water Treatment Rule (LT2), which requires that the City of Portland cap or treat it's drinking water, the Portland Water Bureau (PWB) proposes to disconnect Reservoirs 1, 5, and 6 from the city's drinking-water system and construct new piped connections, valves, and other appurtenances on site that will allow continued operation of the water system without the use of the historic open reservoirs. When completed, the proposal will allow the reservoirs to continue to be used as water features that hold non-potable water. In order to comply with a federal drinking-water rule, the uncovered reservoirs must be physically disconnected in a way that prevents water in them from being released—even accidentally—into the drinking water distribution system.

The project occurs within Mount Tabor Park, in southeast Portland. The entire site is owned by the City of Portland and managed by the Portland Water Bureau and Portland Parks and Recreation. Mount Tabor was first established as a distribution site for Portland's water in 1894, when two reservoirs were constructed. The reservoirs at Mount Tabor and, separately, Mount Tabor Park itself were listed in the National Register of Historic Places in 2004.

As a part of the disconnection process, some underground pipes that convey water from the reservoirs into the drinking water system will be cut and their ends plugged, and a new bypass pipe will be installed. The proposed work will take place at 11 discrete work areas in the park and includes only the changes required to disconnect the reservoirs from the drinking water system and to continue to operate the City's water system without the Mount Tabor uncovered reservoirs. In order to continue to deliver the necessary volume of water to the drinking water distribution system, a bypass pipe and two connecting pipes will be constructed to carry it. PWB will also install two backflow preventers, two above-ground air vents, two sub-grade vaults, and covers of different sizes and shapes over manholes, sampling ports, and vaults.

The proposed changes can be reversed if, in the future, the federal rule is reversed.

When the project is completed, the reservoirs will be filled using the existing inlet pipes, drained into the City's storm sewer system, cleaned and periodically refreshed. This will continue until a future project, to determine the future use of Mount Tabor Reservoirs, is completed.

Upon completion of the project, park users and neighbors can expect the following:

- PWB will continue to fill the reservoirs and periodically refresh the water in them until the future use planning is completed or until City Council directs otherwise.
- The reservoirs will retain existing inlet pipes or weirs maintaining the ability to fill the reservoirs in a manner comparable to the existing conditions.
- The reservoirs will continue to have the ability to be drained to the sewer system and the existing wash-down piping system used for cleaning the reservoirs will remain in place.
- The historic structures will have been protected from damage and kept in their current condition with no significant impacts or changes.

- Roads, trails and grassy areas that were disturbed by construction work will have been repaired and restored.
- All excavations will have been filled to restore and blend in with the original contours and all disturbed ground will be planted to blend with the surrounding vegetation.
- PWB will restore the west dog park entrance.

Because the proposed reservoir projects occur within the Mount Tabor Park Reservoirs Historic District and within Mount Tabor Park, also a historic district; and because some of the projects will occur within the city's Environmental Conservation overlay zone, both Historic Resource Review and Environmental Review are required, as noted below.

Historic Resource Review:
Specific to the Historic Resources Review, the applicant proposes the following alterations to the Mt. Tabor Reservoirs and surrounding parklands:

- Capping and plugging existing underground pipe. In some work areas, this requires excavation of earth and existing roadways, removal of existing pipe, and installation of new piping with restoration of the earth and roadways to existing or comparable conditions (Work Areas 2, 3, 4, 5, 6, 7, 8);
- Removal of existing underground vaults and construction of new underground vaults, including manhole covers, cast iron valve covers, air/vacuum release valves, above-ground vents. Work Area 7 will include two small concrete vaults beneath the walkway with concrete lids and brushed metal hatch covers. (Work Areas 3, 4, 5, 6, 7);
- Removal of existing gates at dog off-leash area and replacement with a new double-gate for pedestrians and new vehicle gate (Work Area 2);
- Removal of existing trees and landscaping and restoration of such landscaping, as feasible, based on location of existing and proposed piping, and areas capable of accepting new plantings Work Areas 2, 5);
- Installation of buried electrical conduit (Work Areas 3, 4, 7);
- Construction of underground thrust blocks and cathodic protection system (Work Area 7);
- Construction of an above-ground electrical cabinet on concrete pad with shrub screening (Work Areas 7, 8);
- Cutting and temporarily removing historic iron pipe handrail to provide temporary access of construction vehicles, after which it will be reinstalled via welding to approximately match the existing condition (Work Area 5);
- Capping or covering outlet pipe openings in the reservoir (Work Areas 9, 10);
- Screening the inlet weir opening (Work Areas 9, 10);
- Welding shut the inlet opening inside the gatehouse (Work Areas 9, 10);
- Placing bar grating across the drain pipe opening (Work Areas 9, 10, 11);
- Screening the openings of the two pipes connecting Reservoirs 1 and 5 (Work Areas 9, 10);
- Removing the sheet metal barrier from the fence above the weir opening (Work Area 9);
- Removal of existing pipe and installation of new pipe within and outside of the Chlorination Building (Work Area 10);
- Installation of alarms in the weir and reservoir to alert when water levels in the reservoir approaches the weir, encroaching on the air gap (Work Areas 10, 11);
- Small penetrations and installation of vents and condulets at the roof and east wall Gatehouse 6 East, respectively (Work Area 11);
- Removing pipe ends and installing caps on the flanges of the outlet pipes (Work Area 11);
- Installation of new pipe inside Gatehouse 6 (Work Area 11); and
- Planting of new trees along the SE Harrison entrance (Work Area 12)

Historic Resource Review is required because the proposal is for non-exempt alterations to a Portland Historic Landmark and to resources in the Mount Tabor Park Reservoirs Historic District.

Environmental Review:
A portion of the Mt. Tabor site is within the City's Environmental Conservation overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, two elements of this project take place within the environmental overlay zones:

- **Construct approximately 850 feet of 48-inch steel pipe** from Conduit 3 to the pipe in SE Lincoln Drive near a park entrance (Work Area 3--about 350 feet of the pipe are within the Environmental Conservation zone).

  The main itself is 48 inches in diameter, and requires a trench that provides three feet of clearance on each side. The resulting excavation will be a trench approximately ten feet wide. To dig such a trench and work safely alongside and within it, a disturbance area approximately 35 feet wide is needed.

  The work involves the following elements:
  - Construct a new 48-inch pipe in SE Lincoln Drive. About 350 feet of the pipe is within the environmental conservation overlay zone, but beneath the existing pavement.
  - Install a flow meter, appurtenances and vault with two manholes in the paved driveway.
  - Install two small electrical conduits and wiring in the paved driveway.
  - Install five CIV covers in locations to be determined.

- **Vault Work in Gravel Access Road** (Work Area 6). Conduit 4 is 56-inches in diameter. It will be disconnected from the distribution system at this location by cutting and plugging the pipe on the south side of the vault. The remaining portion of Conduit 4 will continue to service Reservoir 5. The second pipe (Conduit 2) is 44-inches in diameter and also follows this gravel road. It will be cut and plugged just past the vault, after it connects with the 30-inch diameter pipe. Valves will be installed on the conduits and the distribution pipe to control the direction of flow.

  A new combination air/vacuum release valve will be installed inside the existing vault, to allow the release of entrapped air or relative vacuums and avoid damage to the pipes. A vent pipe will be installed on top of the same vault to allow air to freely flow in and out of it.

  All of the excavation and ground disturbance required to complete this work will take place within the boundaries of the gravel driveway and existing vault disturbance areas.

The construction work in Work Areas 3 and 6 will avoid removing trees or other vegetation from environmental resource areas. In both locations work will occur in existing driveways and developed areas around existing vaults.

The disturbance areas described for the projects exceed the utility line development standards listed in Zoning Code section 33.430.150, and are therefore subject to environmental review.

**RELEVANT APPROVAL CRITERIA:**
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Zoning Code Section:

- **Historic Resource Review**: **33.846.060. G** Other approval criteria
- **Environmental Review: 33.430.250 A** Public safety facilities, roads, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments

## ANALYSIS

**Site and Vicinity:** The project site, Mt. Tabor Park, is roughly bound by SE Division Street on the south, SE 64th Avenue and SE 60th Avenue on the east, SE Yamhill on the north, and SE 71st Avenue on the west.

Mt. Tabor Park is a 196-acre public park located in a residential area of southeast Portland. The park encompasses most of a volcanic butte, with four peaks. The tallest summit rises to an elevation of 643 feet, making it a prime landmark visible from points all around the city. Because of its elevation, the site became a distribution site for Portland's gravity-fed, mountain-source drinking water in 1894 with the construction of two open reservoirs, Reservoir 1, and the since-demolished Reservoir 2. In 1903, Mt. Tabor was identified as a potential city park in 1903 by John Charles Olmsted, adopted son of Frederick Law Olmsted, and who, along with his brother Frederick Law Olmsted Jr., operated the landscape firm Olmsted Brothers landscape firm which carried forth the legacy of their father. In 1909, voter-approved bonds were used to purchase the properties that made up the park. Emanuel Tillman Mische, who had previously worked for Olmsted Brothers, was hired the prior year at Portland's park superintendent and designed the park. Two additional open reservoirs, Reservoirs 5 and 6, were constructed in 1911 on the western slope of the park.

In January of 2004 the reservoirs were listed under Criterion A and Criterion C on the National Register of Historic Places as the Mt. Tabor Reservoirs Historic District due to their high integrity and historic significance to the city's water supply and the development of Portland, and because they are outstanding examples of intact historic architecture and engineering. In September of 2004, the entire site, Mt. Tabor Park, was also listed in the National Register of Historic Places as a historic district under Criterion A and Criterion C. A majority of the reservoirs' features have been kept largely intact, and contribute greatly to the integrity of Mount Tabor Park.

The National Register nomination for the reservoirs states: "All of these open reservoirs represent some of the finest examples of intact, still-in-use City Beautiful public works remaining in the nation...A majority of the reservoirs' features have been kept intact and contribute greatly to the integrity of Mt. Tabor Park. The surface of the water held in the reservoir basins represents approximately twenty acres, about one tenth of the entire park acreage. The deep, open water provides a chiaroscuro effect to the landscape and is an integral part of the experience of Mount Tabor Park. The lighted walkways around the perimeter of each parapet wall and wrought iron fence, the cleared, grassy areas associated with the reservoir basins and the outstanding views provide important park amenities."

Staff notes the following resources listed as contributing to either or both Mt. Tabor Park and Mt. Tabor Reservoirs Historic District: Reservoir 1, including basin, fountain, gatehouse, and weir building; Reservoir 5, including basin, gatehouse, and weir building; Reservoir 6, including basin and inlet and outlet gatehouses; covered concrete storage tank, covered storage tank building; the site, including the circulation system including drives, entrances at Lincoln Street, salmon Street and 69th Avenue, the historic lighting system, the Mt. Tabor Nursery and maintenance yard, parking lot and three play areas; Office-Horticultural Services Building; Administrative Building and Additions; Mechanical Offices Building (community Gardens Building); Caretaker House – Mount Tabor House; Volcano Comfort Station; Summit Comfort Station; Northeast Entrance Comfort Station; Crater Amphitheater; West and East Tennis Courts; 69th Avenue Stairs; Southside Stairs; and the Harvey W. Scott Statue and Terrace.

The following resources are listed as non-contributing: Garages/Shops on the West side Row and East Side Row; Lathe House; Equipment Building; Pole Barn Building; Duplex Screen House; 50", 44" and 56" Meter Houses; Maintenance Building and Park Office; summit Radio Tower; Additional Greenhouses; Picnic Shelter; Greenhouse Complex; Basketball Court; Soap Box Derby Track; Out Building at Reservoir 5; chlorination Building and Mount Tabor Pump station at Reservoir 6.

Landscaping is described in the narrative descriptions in both nominations but is not specifically listed as contributing or noncontributing.

**Zoning:** The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation areas indentified in the Comprehensive Plan. These areas serve many functions including: providing opportunities for outdoor recreation; providing contrasts to the built environment; preserving scenic qualities; protecting sensitive or fragile environmental areas; preserving the capacity and water quality of the stormwater drainage system; and providing pedestrian and bicycle transportation connections.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Environmental Conservation Zone "c" overlay conserves important resources and functional values in areas where the resources and functional values can be protected while following environmentally sensitive urban development. The application of the environmental overlay zones is based on detailed studies that have been carried out within separate areas throughout the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these respective study areas.

The natural, open space, and scenic resources at Mount Tabor Park are inventoried in the East Buttes, Terraces, and Wetlands Conservation Plan. Mount Tabor Park is identified as part of Resource Site 133. Resource Site 133 extends beyond the park boundaries, particularly to the north, and includes identified resources and functional outside the park boundaries.

At Resource Site 133, the following resources are identified: "Open space, forest, habitat, intermittent drainage, wetland, groundwater; City reservoirs; volcanic vent; archaeological site."

The following functional values are described for Resource Site 133: "Domestic water supply; food, water, cover, and territory for wildlife; groundwater recharge and discharge; slope stabilization, sediment and erosion control; microclimate amelioration; air and water quality protection; scenic, recreational, geologic, and heritage values."

The East Buttes, Terraces, and Wetlands Conservation Plan (the "East Buttes Plan") provides additional description of the resource quality. It states that the vegetation on site is predominantly cultivated for urban park use, although the parts of the environmental zones where the proposed work will take place is less cultivated and provides slightly higher habitat value than the more cultivated areas of the park. The East Buttes Plan describes the habitat quality this way (pp. 60-62):

"This site's vegetation is cultivated extensively for urban park use, though some non-cultivated areas on the steeper slopes are present. The dominant species is Douglas fir, between 30 and 70 years in age, and thinned to a regular spacing. Trees are limbed (lower branches removed) and sub-canopy is open. Occasional deciduous trees include choke cherry, vine maple, bigleaf maple, red alder, dogwood, oak, birch and hawthorn. Shrubs include western hazel, red huckleberry, willow, rhododendron, juniper, forsythia, azalea, cedar and spiraea.

The herb layer is comprised of about 80 percent mowed lawn, yet in the less cultivated areas, sword fern, bracken fern, orchard grass, Oregon grape, salal, twisted stalk, fringecup and poison ivy are common. The non-cultivated areas include a native shrub layer absent in other parts of the park; shrubs include wild rose, snowberry, oceanspray, serviceberry and thimbleberry. Certain areas of the park are threatened by the invasion of Himalayan blackberry, English ivy, Scot's broom and English holly.

The vegetative cover within the park provides limited habitat for wildlife. The trees provide some roosting and perching habitat for avians. In the cultivated areas, cover is limited and food production is low. In the non-cultivated areas, covering about 40 acres, the greater diversity of native understory vegetation provides more food and cover for wildlife. Wildlife observed in the park include hairy woodpecker, red-tailed hawk, owls, juncos, wrens, chickadees, pheasants, crows and squirrels."

The East Buttes Plan states that the existing level of disturbance in both cultivated and non-cultivated areas is "high" (p. 62):

In the areas around the proposed work sites, there are native shrubs and ground covers as well as some nuisance species, such as Himalayan blackberry, English ivy, and English holly. There are panoramic views identified at Mount Tabor, but Work Areas 3 and 6 (the only work areas within environmental zones) cannot be seen from the viewpoints. Native American artifacts were discovered on the north side of the butte, outside the park itself, in prior years. There are no known archeological sites in the proposed work areas, which both have been previously excavated for reservoir water conduit installation, road building and reservoir construction.

**Land Use History:** City records indicate prior land use reviews include the following:

- LU 74-000650 (ref. file: CU 007-74) – Conditional Use approval for a greenhouse;
- LU 61-001380 (ref. file: CU 029-61) – Conditional Use approval for a small storage building;
- LU 65-002285 CU (ref. file: CU 056-65) – Approval with the condition that planting be provided to screen the facilities from adjacent park and residential areas.
- LU 74-002392 (ref. file: CU 059-74) – Conditional Use approval for a picnic shelter;
- LU 64-002651 (ref. file: CU 067-64) – Conditional Use approval to construct a plant potting building on the southwest corner of Mt. Tabor Park on park warehouse land;
- LU 77-002064 (ref. file: CU 49-77) – Conditional Use approval for a water pumping station;
- LU 67-003406 (ref. file: CU 93-67) – Conditional Use approval for a maintenance building and office;
- LU 89-003906 CU (ref. file: CU 26-89) – Conditional Use approval for parking lot expansion;
- LU 89-021552 (ref. file: MP 107-89) – Approval of a 3-lot minor partition;
- LU 99-017214 EN (ref. file: LUR 99-00809) – Environmental Review approval of trail constructions and improvements in the Environmental Concern zone;
- PR 03-186237 ZC – Zoning Confirmation that the existing reservoir use in Mt. Tabor Park was a basic utility and have the status of an automatic Conditional Use;
- EA 06-173412 PC – Pre-Application conference for interim security and deferred maintenance improvements for the reservoirs;
- LU 07-139442 HDZ – Historic Design Review approval for interim security and deferred maintenance improvements;
- LU 06-178213 HDZ – Historic Design Review approval for an 8' wide accessible path on the north side of Reservoir #6;
- EA 12-183947 APPT – Early Assistance appointment for the current proposal;
- LU 13-236792 HR & LU 13-240530 EN – Withdrawn Historic Resource Review and Environmental Review upon determination that a higher level of review was necessary; and
- EA 14-118276 PC – Pre-Application Conference for the current proposal.

**Summary of Applicant's Statement:** The City of Portland is required to disconnect three uncovered reservoirs at Mount Tabor from the City's drinking-water distribution system by December 2015 in order to comply with the US Environmental Protection Agency's (EPA) Long Term 2 Enhanced Surface Water Treatment Rule (LT2).

Federal and state law require that no public water system serve water from uncovered finished drinking water reservoirs unless the water is treated at the outlet for bacteria, viruses, and cryptosporidium. The City investigated the option of treating water at the outlet of the Mount Tabor reservoirs and determined that such an approach was probably infeasible and raised difficult land use issues because it would require the placement of sizeable industrial facilities in a residential zone. The City Council determined years ago that it would not cover the reservoirs at Mt. Tabor, reflecting vocal opposition for the community. The City also several times tried unsuccessfully to persuade the Oregon Health Authority (OHA) to grant a delay in the effective date of the City's obligations. In June, 2013, City Council announced that it would seek no further delays and directed that the Water Bureau comply with the existing regulatory schedule, under which the City must disconnect its Mt. Tabor uncovered finished drinking water reservoirs by December 31, 2015.

The reservoirs must be physically disconnected from Portland's drinking water distribution system by is December 31, 2015.

To disconnect the reservoirs, it is necessary to cut and plug in 15 places the outlets that deliver water from the reservoirs into the drinking water system. The outlets will also be blocked at the reservoirs. The inlets and drains will be screened to prevent intrusion of insects, animals, humans, or waste into the pipes.

Then in order to continue to deliver the necessary volume of water to the drinking water distribution system, a bypass pipe and two connecting pipes must be constructed to carry it. In order to operate the water system successfully, PWB must also install two backflow preventers, two above-ground air vents, two sub-grade vaults, and covers of different sizes and shapes over manholes, sampling ports, and vaults.

PWB seeks to gain approval for several improvements that will help operate the water system. First, PWB proposes to install an emergency generator and fuel tank in Gatehouse 6 East. This generator will provide emergency power when needed to operate the buried Tabor Pump Station, which supplies water to Reservoir 7, a small covered storage reservoir near the crest of Mount Tabor. PWB proposes to install a cathodic protection system by the pump station. This system protects metal pipes and appurtenances from corroding. It requires an above-ground equipment cabinet. And finally, PWB proposes to install a SCADA (Supervisory Control and Data Acquisition) equipment cabinet above ground along SE 60th Ave behind the sidewalk.

Prior to submitting this land use application, PWB conducted a public outreach program including ten walking tours, two community meetings, and project website outreach. PWB convened a CAC (the Community Advisory Committee, CAC) and engaged a professional facilitator. The CAC consisted of people living in the Mount Tabor Neighborhood Association (MTNA) area. The bureau also worked closely with the CAC to identify and address public concerns about the project. This application includes many of the recommendations made by the CAC as well as input from the other sources.

As part of the public outreach process, PWB conducted 10 walking tours for the general public to look at the proposed work, and for PWB to explain what the project entailed and look for solutions to minimize impacts on the park and historical features. In all, over 70 citizens attended these tours. PWB posted the same information about the project on the website and provided materials for self-guided tours.

The purpose of this expanded public effort was to fully inform citizens about the project proposal, gather their comments and suggestions, and refine the proposal based on community priorities. Approximately 75 percent of PWB's customers, including many wholesale customers, potentially receive water that has passed through one or more of the three uncovered drinking water reservoirs at Mount Tabor. The purpose of the project is to disconnect Reservoirs 1, 5, and 6 from the drinking water system and allow the reservoirs to continue to be used as water features that hold non-potable water.

**Agency Review:** A "Request for Response" was mailed **October 29, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering
- Life Safety Division of BDS
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 10, 2014. At the time of publication of this staff report, eight written response were received from either the Neighborhood Association or notified property owners in response to the proposal prior to issuance of the November 21, 2014 staff report.

- Mark Bartlett, on October 23, 2014, wrote with concerns that the application may be accepted as complete in error, and questions regarding what makes an application complete, who determines that the representations are accurate and that the application is compliant, what recourse citizens have to question the accuracy of representation and change the determination of completeness, and what happens to the 120-day decision making timeline. Please see Exhibit F-1 for addition details.
- Ty K. Wyman, on behalf of Brian Rohter and Eileen Brady, wrote on November 10, 2014, suggesting the application only be approved with a condition of approval that each above ground reservoir be filled with water and maintained as full to ensure preservation of historic character. Please see F-2 for additional details.
- Mark Bartlett, on November 17, 2014, wrote with concerns that the Water Bureau does not have the authority to work in areas of the park not managed by the Water Bureau, and commented on what is and is not included in the case file. Please see Exhibit F-3 for additional details.
- Mark Wheeler, on November 17, 2014, wrote with strong disapproval of the reservoir system, requesting that the reservoirs remain open. Please see Exhibit F-4 for additional details.
- Jocelyn Goodall, on November 18, 2014, wrote with disappointment that the City did not further challenge the federal ruling to cap or treat the reservoirs, questioning the public cost of previous and current proposals, concerns about the future of the reservoirs if they are no longer used as a utility, support for the existing open reservoir system, and concerns with the safety of underground water storage. Please see Exhibit F-5 for additional details.
- Steven T. Wax, on November 19, 2014, wrote questioning the need for the current proposal, suggesting that the reservoirs be taken off-line rather than physically disconnecting them through the proposed cut-and-plug method. Please see Exhibit F-6 for additional details.
- Stephanie Stewart, on November 19, 2014, wrote on behalf of the Mt. Tabor Neighborhood Association (MTNA), requesting several conditions of approval including the requirement for filling the reservoirs, Water Bureau articulation of future maintenance and security responsibilities, incorporation of a future-use plan, formal study of impacts akin to Section 106, requirement of a preservation plan, requirement for preservation of historic resource with appropriate funding, and formal oversight from the Historic Landmarks Commission or a third

party to ensure all approval criteria are met. MTNA also submitted several records into the file, by reference. Please see Exhibit F-7 for additional details.
- Mary Kinnick, Co-Chair of Friends of Mt. Tabor Park, on November 20, 2014, wrote with full endorsement of the MTNA letter, encouraging special consideration of MTNA's requested conditions of approval. Please see Exhibit F-8 for additional details.

Received prior to December 1, 2014 hearing:
- Bertha Guptil, on November 21, 2014, wrote in opposition. Please see Exhibit H-3 for additional details.
- PWB Correspondence with Steven Wax, provided by Portland Water Bureau, on November 24, 2014. Please see Exhibit H-4 for additional details.
- Kim Lakin, on November 23, 2014, wrote with suggestions for improvement. Please see Exhibit H-5 for additional details.
- Sandra Hay Magdaleno, South Tabor Neighborhood Association President, on November 24, 2014, wrote suggesting reversibility and maintenance of historic character and supporting MTNA letter. Please see Exhibit H-6 for additional details.
- Floy Jones, Friends of the Reservoirs, on November 25, 2014, wrote in opposition with requests for additional mitigation measures. Please see Exhibit H-7 for additional details.
- Brad Yazzolino, on November 28, 2014 wrote with requests for conditions of approval and with support of MTNA letter. Please see Exhibit H-8 for additional details.
- Ty K. Wyman, representing Brian Rohter and Eileen Brady, on November 24, 2014, wrote requesting additional information and conditions of approval. Please see Exhibit H-9 for additional details.

Testimony received at December 1, 2014 hearing:
- Mary Ann Schwab, presented oral testimony in favor, provided certain conditions of approval were applied.
- John Laursen, representing Mt. Tabor Neighborhood Association, presented oral and written testimony, suggesting conditions of approval. Please see Exhibit H-15 for additional details.
- Dawn Smallman, presented oral, visual, and written testimony, suggesting conditions of approval. Please see Exhibit H-16 for additional details.
- Kim Lakin, presented oral and written testimony in opposition, suggesting denial of application or including conditions of approval. Ms. Lakin also submitted the Mt. Tabor Historic Structures Report, dated May 2009. Please see Exhibit H-17 for additional details.
- Stephanie Stewart, presented oral and written testimony in opposition, suggesting conditions of approval. Please see Exhibit H-18 for additional details.
- Brian Rohter, presented oral, visual, and written testimony in opposition, suggesting conditions of approval. Please see Exhibit H-19 for additional details.
- Suzanne Sherman, presented oral and visual testimony in opposition, with concerns of the proposal's impacts on wildlife. Please see Exhibit H-20 for additional details.
- Christopher Lancefield, presented oral testimony in opposition.
- Mark Bartlett, presented oral and written testimony in opposition, with concerns regarding the land use process. Please see Exhibit H-22 for additional details.
- Matthew Byloos, presented oral testimony in opposition.
- David Hilts, presented oral testimony in opposition.
- Brad Yazzolino, presented oral and written testimony (see H-8) in opposition.
- Laura Orr, presented oral and written testimony in opposition, suggesting retention of water. Please see Exhibit H-26 for additional details.
- Mary Kinnick, Friends of Mt. Tabor Park, presented oral testimony in opposition, suggested retention of water.
- Eileen Brady, presented oral testimony in opposition, requested conditions of approval.
- Floy Jones, Friends of the Reservoirs, presented oral testimony in opposition, suggested conditions of approval.
- Valerie Hunter, presented oral and written testimony in opposition regarding reversibility. Please see Exhibit H-30 for additional details.

- Ty Wyman, representing Brian Rohter and Eileen Brady, presented oral testimony regarding land use process and Commission authority.
- Steve Reinemer, presented oral testimony in opposition.
- Johnny Dwork, presented oral testimony in opposition.
- Katherine Kirkpatrick, presented written testimony in opposition, as well as public documents regarding reservoirs use determination and LT2 compliance. Please see Exhibit H-34 for additional details.
- Daniel Berger, presented written testimony in opposition, suggested retention of water. Please see Exhibit H-35 for additional details.
- David Morrison, presented written testimony in opposition. Please see Exhibit H-36 for additional details.
- Jana Throckmorton, South Tabor Neighborhood Association, presented written testimony in opposition. Please see Exhibit H-37 for additional details.
- Susan Tompkins, presented written testimony in opposition. Please see Exhibit H-38 for additional details.
- Joy Ellis, presented written testimony in opposition. Please see Exhibit H-39 for additional details.
- Dee White, presented written testimony in opposition, suggested conditions of approval. Please see Exhibit H-40 for additional details.
- Kim Dianich, did not present testimony but noted her support. Please see Exhibit H-41.
- Tom Koehler, did not present testimony but noted his opposition. Please see Exhibit H-42.
- Alexander Aris, did not present testimony but noted his opposition. Please see Exhibit H-43.
- Carrie Seitzinger, did not present testimony but noted her opposition. Please see Exhibit H-44.

Testimony received after December 1, 2014 hearing:

- Tana and David Cahill, on November 24, 2014, wrote in opposition, supporting MTNA suggested conditions of approval. Please see Exhibit H-45 for additional details.
- Mark Bartlett, on December 7, 2014, wrote in opposition. Please see Exhibit H-46 for additional details.
- Nate Klett, on December 11, 2014, wrote with suggestions for the future of the reservoirs. Please see Exhibit H-47 for additional details.
- Kira Edmunds, on December 16, 2014, wrote in opposition. Please see Exhibit H-48 for additional details.
- Anna Fritz, December 16, 2014, wrote in opposition. Please see Exhibit H-49 for additional details.

*Staff Response:* Chapter 33.730 *Quasi-Judicial Procedures* explains the process and procedural questions related to this land use application. The case file includes only those items submitted as part of the record. Meeting notes from Pre-Application Conference (EA 14-118276 PC) are included as part of the record. The Use Determination has been included by reference; see PR 03-186237 ZC. There is no intake check sheet associated with this land use application. Staff shares many of MTNA's concerns and has addressed many of these concerns in the findings below.

*Applicant Response:* At the December 1, 2014 hearing, the applicant provided responses to some of the concerns raised at the hearing. The applicant also provided a written response on December 23, 2014, in anticipation of the January 12, 2015 hearing, and in response to additional questions and concerns raised by the public and the Historic Landmarks Commission. Please see Exhibit H-50 through H-54 for additional details.

**Procedural History:** The application was submitted September 26, 2014 and determined to be complete on October 23, 2014. The application was presented to the Historic Landmarks Commission on December 1, 2014, with a staff report and recommendation of approval with conditions. Several members of the public presented testimony in opposition to the proposal in general, and recommending the retention of water and suggesting additional mitigation measures,

at a minimum. The Historic Landmarks Commission requested additional information from the applicant and requested they return on January 12, 2015 for a continued hearing.

## ZONING CODE APPROVAL CRITERIA

### (1) Chapter 33.846.060 - Historic Resource Review

**Purpose of Historic Resource Review**
Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

**Historic Resource Review Approval Criteria**
Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

> **Findings:** The site is within Mount Tabor Park, a National Register Historic District, and the Mt. Tabor Park Reservoirs Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria.*

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

**33.846.060 G - Other Approval Criteria**

**1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

> **Findings:** The National Register nominations for Mt. Tabor Park states "the deep, open water provides a chiaroscuro effect to the landscape and is an integral part of the experience of Mt. Tabor Park". The nomination for the Mt. Tabor Park Reservoirs Historic District states "striking vistas of the city skyline and west hills over the large bodies of deep, sparkling water are the most defining landscape characteristic of Mount Tabor Reservoirs 5 and 6. Reservoir 1, located in a steeper basin, has a more intimate feel with the towering coniferous forest reflected in the deep water." In addition, staff notes that the reservoirs were listed in the National Register under Criterion A for "its association with significant historic events, in the areas of community planning and development, engineering, architecture/landscape architecture, and recreation" and Criterion C for "its embodiment of distinctive characteristics of a type, period, or method of construction using masterful techniques, as an early example of concrete construction and romantic eclectic architectural and landscape design."
>
> The proposal to disconnect the reservoirs from the City's drinking water system will result in minimal physical changes visible to the public, to either the historic reservoirs or the Park's landscape, as most of the materials removed are relatively small portions of below-grade conduits and concrete vaults not listed as contributing resources. Above-grade alterations proposed include: new manhole covers, cast iron valve covers, air/vacuum release valves, above-ground vents, electrical cabinets, all of which currently exist within the reservoir are of the park. Installation of screening and grating at inlet and outlet pipes and weirs is proposed to be located 1'-0" to 2'-0" in from the opening of the pipes and weirs, respectively, and will be minimally visible, if at all. Removal of small portions of exterior cast iron pipe at Reservoir 6 with metal caps welded to the ends is also proposed. Small penetrations in the east wall and near the southwest corner of the roof of Gatehouse #6 East, are also proposed. Removal of the existing gate at the dog off-leash are and

replacement with a new double-gate will be minimally different from the existing condition and will have minimal effect on the historic character of the park. Removal of existing trees and landscaping, as well as removal of existing roadway asphalt, and restoration of trees, landscaping, and roadway asphalt is also proposed in association with removal and installation of underground piping. In order to provide temporary access to Work Area 5, a historic pipe rail is proposed to be cut and then welded back in place after construction is completed.

Staff notes that much of the work proposed is relatively minor in how it will impact the physical realm of the historic park and reservoirs, however, the result of the work will be disconnection of the reservoirs from the City's drinking water system. Staff concedes that this is a significant change in the use and function of the Mt. Tabor Reservoirs, in fact, the most significant change in their use and function since their original construction. However, this criterion is not explicit in whether or not preservation of a property's historic function or use is essential to maintaining its historic character and instead suggests avoiding "removal of historic materials or alteration of features and spaces that contribute to the property's historic significance".

Although the historic function and use of the reservoirs is part of its historic significance, staff interprets this criterion to suggest that, in order for this criterion to be met, the aesthetics of a historic resource, rather than its use, must be maintained. As noted above, the deep open water of the reservoirs is an integral part of the experience of both the reservoirs and Mt. Tabor Park. As such, staff believes that in order for this criterion to be met, the reservoirs must continue to hold water. The applicant has indicated that the intent is to fill the reservoirs with water following completion of the disconnection work. Staff also notes that, historically, the reservoirs have been emptied from time to time for cleaning, maintenance, or other reasons. Staff believes that a condition of approval mandating that the reservoirs continue to hold water, allowing for empty periods to allow for maintenance and cleaning, is necessary in order to ensure that this criterion is met.

***With a condition of approval, that following completion of the disconnection, reservoirs #1, #5, and #6 must continue to hold water, allowing for empty periods only for maintenance and cleaning, this criterion is met.***

**2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**Findings:** As noted above, minimal alterations are proposed to the historic resources listed as contributing. The applicant has worked with the local community, resulting in a proposal that is essentially reversible should the federal rule requiring enclosure or treatment of open reservoirs be reversed. For instance, the proposed grates, screens, pipe welds, are easily reversible. Staff notes that such appurtenances are not conjectural features but are utilitarian and will be minimally visible. As such, they will not create a false sense of historic development. Staff notes the same is true for vaults proposed for removal and construction as the existing vaults are not noted as contributing and the proposed vaults will differ minimally from the existing.

The Water Bureau has indicated that, following the proposed work, the reservoirs will be able to be filled with water and will have essentially the same appearance as they do currently. As noted under Criterion #1, staff believes that the continued presence of water in the reservoirs is critical to maintaining the historic character of the reservoirs, and likewise, critical to the reservoirs remaining a physical record of their time, place, and use. While the utility use on the site is not changing, staff ~~also~~ notes that disconnection of the reservoirs means that the ~~use~~ function of the reservoir basins is changing, and in a

sense, the presence of water in the reservoirs could be argued to create a false sense of historical development, as it will no longer be our drinking water that we see, but merely a representation of it. As such, staff believes that educational programming is needed for the reservoirs to truthfully remain a record of their time, place, and use, recognizing the proposed ~~change in use~~ alterations at this period in their history. This can be done through development of an interpretation program that tells the history of the Mt. Tabor Reservoirs and the Bull Run water delivery system, including the proposed disconnection. Staff recommends that this should be developed through a Design Advice Request, followed by a Historic Resource Review, which would most likely be a Type II level review.

***With the condition of approval that the Portland Water Bureau, through a Design Advice Request and follow-up Historic Resource Review, develop an interpretation program that tells the history of the Mt. Tabor Reservoirs and the Bull Run water delivery system, including the proposed disconnection, this criterion is met.***

**3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**Findings:** The periods of significance listed in the 2004 National Register nominations are 1888-1939 for Mt. Tabor Park and 1894-1953 for the Mt. Tabor Reservoirs historic district. The reservoirs period of significance encompasses the 1953 construction of Conduit 4. Staff notes that while the construction of below-grade piping marks the end of the period of significance, the piping is not specifically listed as a contributing feature. Staff also notes that, since 2004, no additional features not listed as contributing resources in the original documentation have acquired historic significance. Staff has considered the listed contributing resources in the other applicable findings as noted above and below.

***This criterion is not applicable.***

**4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

**Findings:** Staff notes that the original application included a proposal to repair the Reservoir 1 parapet wall. At the suggestion of BDS staff, this aspect was removed from the proposal, as it was found incongruous with the basic scope of the project and may, in fact, be exempt from historic resource review. This was not meant to discourage the Portland Water Bureau from repair of the Reservoir 1 parapet wall, or to discourage preservation maintenance of any other historic features, but rather to focus the conversation on the specific proposal to disconnect the reservoirs from the drinking water system and the alterations necessary for such a task, and to not create additional delays for repair of the parapet wall by tying it to this land use review. BDS Staff has communicated to the Water Bureau that repair of the parapet wall is most likely exempt from review, pending verification of the extent of the work and methods proposed for repair, or potentially restoration. Staff notes that the Reservoir 1 parapet wall is most certainly in need of repair, or restoration, and encourages the Water Bureau to present a proposal for repair of the parapet wall to BDS staff. No deteriorated features are proposed to be replaced and no missing features are proposed for replacement.

***This criterion is not applicable.***

**5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

**Findings:** No chemical or physical treatments are proposed as part of this proposal. Minor alterations, such as the installation of grates and screens, removal of small portions of above-grade pipe and welding caps to the ends of pipe, and introduction of two condulet holes on the east side of Gatehouse #6 East and four vents at the southwest corner of the roof of Gatehouse #6 East will result in a loss of relatively minute amount of historic material. With regard to long-term protection of historic materials, this was addressed under Criterion #4.

***This criterion is met.***

**6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

**Findings:** While much of the proposed work is located in previously disturbed areas, excavation is proposed in areas that may not have been previously disturbed. Therefore, there is potential that archaeological resources could be impacted.

***With a condition of approval that, in the event of any archaeological discovery, work will be stopped and the State Archaeologist will be notified, this criterion is met.***

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**Findings:** As noted above, the alterations proposed to the contributing resources, such as the reservoirs and gatehouses, are minimal and will not destroy the historic materials that characterize the resource. The majority of the work proposed will take place below ground with restoration of the earth, landscaping, and road to match or closely match existing conditions upon completion. New vaults are designed to blend in with the landscape, either by being located completely underground or built into the landscape. New mechanical equipment, such as electrical cabinets and vents are clearly of modern design but are not foreign elements to the park as examples of these elements are already existing within the park and are not identified as historic.

***This criterion is met.***

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**Findings:** As noted above, the alterations proposed to the contributing resources, such as the reservoirs and gatehouses, are minimal and will not have any impact on the resources massing, size, or scale. Impacts on the architectural features of these resources will also be minimal as grates and screens and pipe end caps will not be seen, particularly once the reservoirs are filled with water. The proposed condulet holes and vents proposed at Gatehouse 6 East are also relatively minor in their impact to the historic resource. The proposed condulet holes are proposed within an existing area of condulet holes and does not expand this area, while the proposed vents are minimally visible, with one proposed to not extend beyond the top of the parapet and another aligned with the parapet crenel.

***This criterion is met.***

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings:** The proposal to disconnect the Mt. Tabor Reservoirs from the City's drinking water system is the Portland Water Bureau's response to a federal ruling that the City of Portland cover or treat the water held in our open reservoirs. Staff notes that covering the reservoirs would potentially be a much more invasive treatment than the proposed disconnection. Likewise, treating the water in the reservoirs would also potentially result in significant alterations to the reservoirs and Mt. Tabor Park. While staff has not been presented with representations of what the "cover" or "treat" options might look like, staff notes that the current proposal does appear to preserve the essential form and integrity of the reservoirs historic district and Mt. Tabor Park, at least in that it does not propose significant irreversible changes to the listed contributing resources. For instance, the proposed grates, screens, pipe welds, are easily reversible. Likewise, underground piping proposed for removal could be reinstalled if the Water Bureau decided to return the open reservoirs to drinking water service.

***This criterion is met.***

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings:** As noted under Criterion #8, the proposed alterations were found to be compatible with the historic resources, specifically the resources' architectural features. Staff notes that the majority of the alterations take place within the interior of the Mt. Tabor Park property and will have minimal effect on adjacent properties, except during the period of construction. The proposed removal of existing pipe segments and installation of new pipe includes installation of below grade vaults, manhole covers, cast iron valve covers, and restoration of roadways, landscaping and mitigation tree plantings upon completion. The intended result is that the park roadways and landscaping will have an appearance significantly as it exists currently. Mitigation tree plantings are proposed along the Harrison Street entrance to enhance the forested character of the park at this entrance as trees cannot be planted within 10 feet of the new underground bypass pipe.

***This criterion is met.***

**(2) – 33.430.250 Environmental Review**

**33.430.250 Approval Criteria for Environmental Review**
An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

**Response**: Environmental Review is required for two of the project's work elements because part or all of the work will take place in the resource area of the environmental conservation overlay zone, and the development standards of Section 33.430.140 through .190 are not met by the project.

The first project that requires approval through Environmental Review is the construction of approximately 1,000 linear feet of 48-inch diameter steel pipe, which will include about 350 linear feet of construction in the environmental conservation overlay zone (Work Area 3). This work involves digging a trench approximately ten feet wide and burying a 48-inch diameter water transmission main. This pipe will connect the existing Conduit 3 on the east side of the environmental zone, to the new pipe in Work Area 2 outside the environmental overlay zone. This pipe will route water from Conduit 3 to the water distribution system west of Mount Tabor.

All work construction to occur in the environmental zone will be within the footprint of the existing paved driveway (SE Lincoln Drive). The driveway will be restored its original conditions after construction of the pipe is complete.

Second, the terminations of Conduits 2 and 4, installation of backflow prevention features, and installation of a combination air/vacuum release valve and air vent will take place in the resource area of the environmental conservation zone in Work Area 6. Work Area 6 is south of the Chlorine Building and Reservoir 5, along the west edge of SE Reservoir Loop Drive. This work involves excavation of the pipes, plugging and capping them, removing a section of pipe and installing a backflow prevention device on it, then burying it, installing an air valve in an existing vault, installing an above-ground vent pipe on the vault, and restoring the ground surface. The construction activities will take place within the footprint of an existing gravel driveway.

This work will provide a route for potable water flow to bypass Reservoir 5, a means to periodically fill Reservoir 5 with non-potable water, and the equipment needed to satisfy regulations governing disconnection and separation of potable and non-potable water.

The approval criteria which apply to the proposed utility construction are found in Section 33.430.250 A. The applicant has provided findings for these approval criteria, in Exhibit A.1 in the application case file, which are summarized below.

Note that since this activity is neither a Public Safety Facility nor a Land Division or Planned Development, the criteria in Sections 33.430.250 A.2 and A.4 do not apply and are not included.

**A.** Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

**A.1.** General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;

**A1.a.** Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;

**Findings**: This criterion requires the applicant to demonstrate that alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values.

**1) Work Area 3 - Pipe in Lincoln Drive**

The work in Area 3 involves the following elements:

- Construct new 48-inch pipe in SE Lincoln Drive--about 350 feet of the pipe is within the environmental conservation overlay zone.
- Install a flow meter, appurtenances and vault with two manholes in the paved drive.
- Install two small electrical conduits and wiring in the paved drive.
- Install five CIV covers in locations to be determined.

A 48-inch-diameter pipe will be installed in SE Lincoln Drive, partially within the environmental zone. Outside of the environmental zone, a vault containing a flow meter and appurtenances will be installed in the driveway about 50 feet west of Conduit 3. Also outside the environmental zone, two electrical conduits and wiring will be installed from the flow meter vault in Work area 3 to the existing building in Work Area 4 next to the stairs.

All of the excavation or other ground disturbance within the environmental zone will take place within the boundaries of the developed portion of the paved SE Lincoln Drive driveway. The environmental review only applies to that portion of this work element that takes place within the environmental conservation overlay zone boundaries.

The pipe to be constructed in SE Lincoln Drive is 48-inches in diameter, and requires a trench that provides three feet of clearance on each side. The resulting excavation will be a trench approximately ten feet wide.

To dig such a trench and work safely alongside and within it, a disturbance area approximately 35 feet wide is needed at the ground surface. This width is needed because the pipe is four feet wide, two feet of working space on either side is required, and about one foot for shoring on either side is required, giving a total excavation of 10 feet wide. In order to do the work, there must be about 25 feet of space for trench setbacks, equipment, vehicles, and materials on either one side or split between both sides of the trench.

Five alternatives were considered by the applicant and are described in detail on pages 130 -135 in the application case file Exhibit A.1. The highlights of each alternative are described below.

Alternative 1.A. No action: do not construct the new connection. In order to comply with the federal rule, there must be a connection between the existing Conduit 3 near Reservoir 1 and the City's distribution system in SE Lincoln Street that will allow water to bypass the reservoirs. This alternative is therefore impracticable.

Alternative 1.B. (The preferred alternative): 48-inch pipe alignment follows paved SE Lincoln Drive to Conduit 3 through approximately 350 feet of the environmental zone.

Alternative 1.C. Construct the 48-inch pipe with the shortest possible route between SE Lincoln Street entrance, east-southeast, through the dog park, to Conduit 3, through roughly 375 feet of environmental zone, on forested steep slopes. This alternative increased environmental impacts above those of Alternative 1.B.

Alternative 1.D. Bury the entire length of the 48-inch pipe beneath the paved portion of SE Lincoln Drive from SE Lincoln Street all the way from the entrance to Conduit 3. This approach would substantially increase the cost of the project because the overall length of new pipe to be installed would increase by more than 50 percent, with comparable increases in the amount of excavation. It would provide no environmental benefits since the only differences with Alternative 1.B occur outside the environmental zone, and it is impracticable due to cost.

Alternative 1.E. Route the connecting pipe completely outside of the resource area of the environmental zone. The construction area needed to construct a new pipe along the southern edge of the park would encroach into the environmental zone and

impact many mature native trees. Such a route would also conflict with the Mt. Tabor Park Master Plan. The option of routing the pipe through SE Division Street, would approximately double the project cost and make this option impracticable.

Alternative 1.B was selected because it is practicable and has no detrimental impact to identified resources and functional values.

**2) Work Area 6 – Vault Work along SE Reservoir Loop Drive**

Construction in Work Area 6 within the environmental conservation overlay zone includes:

- Cut and plug both Conduit 2 and a portion of Conduit 4 near existing connections to an existing distribution pipe.
- Install valves to direct water from Conduit 2 into the distribution system.
- Install a new above-ground air vent on an existing vault or within the developed portion of the roadway adjacent to it.

These changes will allow water from Conduit 2 to be directed either to the drinking-water distribution system or to Reservoir 5 through the "downstream" portion of Conduit 4.

After these modifications are made, this will be a local high point on Conduit 2, so a combination air/vacuum release valve must be installed to relieve excessive pressures and vacuums. The above-ground air vent is needed in order to allow air to move in and out of the pipe.

Depending on the conditions discovered in the field, it may be necessary to excavate limited areas within the existing roadway adjacent to the existing vaults. If excavation is necessary, the roadway will be repaired to its approximate original condition following the improvements.

This portion of the work occurs within Work Area 6. All excavation will take place within the graveled driveway that runs parallel to SE Reservoir Loop Drive. Site access will also be via the existing driveway, as well as all material staging and stockpiling, and all equipment maneuvering and access. The driveway will be temporarily closed to public access during construction. The work area will be fenced to protect vegetation beyond the construction area from disturbance, and sediment control fences will be installed on the inside (project side) of the construction fences.

Construction areas will be restored and the gravel drive repaired where it has been disturbed.

Work Area 6 is within the resource area of the Environmental Conservation zone, on a west-facing forested slope of primarily of native plant species. East of Work Area 6 and uphill, is Reservoir Loop Drive, and to the west (downhill), the slope is heavily forested, with very little understory vegetation. Most of the trees nearby are big leaf maples. The work will avoid disturbing vegetation, including trees, in this Work Area.

Four alternatives were considered by the applicant and are described in detail on pages 137 -140 in the application case file Exhibit A.1. The highlights of each alternative are described below.

Alternative 2.A. No Action – do not make these changes to the pipes. This alternative is not practicable because it does not meet the objective of disconnecting Reservoirs 5 and 6 from the drinking-water distribution system.

Alternative 2.B. Cut and plug the 30-inch distribution pipe leading downhill from Conduit 4 in the below-grade vault adjacent to Conduit 4 and also downhill from the roadway where it joins with another 30-inch pipe leading downhill from Conduit 2. This alternative requires excavation on the steep forested slope below the existing vaults in the roadway, damaging native vegetation, and utilizing heavy excavation

equipment and a new construction access road. This alternative would require more equipment and materials and would be more expensive than the selected alternative. It also would create additional hazards for workers because of the need to work on a slope. The loss of trees and forest habitat resulting from this alternative would create greater impacts on resources and functions than the selected alternative.

Alternative 2.C. (the Selected Alternative) Cut and plug the 30-inch distribution pipe and Conduit 4 in the below-grade vault (or use part of the adjacent roadway if necessary), and add the two valves in the below-grade vaults. All excavation would take place in the gravel drive, in existing vaults, or on top of existing vaults, avoiding disturbance to the surrounding steeply sloping forest. There would be no impacts to the vegetation in the area as a result. In addition, it minimizes the amount of equipment that must be brought to the site and avoids using tracked excavators. All of the proposed work will take place inside the existing vaults (and, only if necessary, in a portion of the roadway immediately adjacent to a vault). No vegetation or open soils will be disturbed by the work. This approach will preserve the identified resources of forest, habitat, intermittent drainage, and groundwater. As a result, this alternative would have no adverse effects on any of the functional values that Work Area 6 provides.

Alternative 2.D. Cut and plug Conduit 2 elsewhere and construct a new pipeline from that termination to the distribution system. The available and practical locations for such a pipeline all cross through the environmental zone at Mount Tabor. Any such new connection would cost far more than any of the other alternatives because it would involve longer length of pipe. In addition, laying new pipeline through the environmentally-zoned land would create significant new adverse impacts on resources and functional values in this part of the park. This alternative was rejected because it would be the most expensive and destructive of environmental resources of any of the alternatives considered.

For any alternative that achieves the project purpose-- disconnecting Reservoirs 5 and 6 from the drinking-water distribution system, the proposed work will include the existing vault, since the existing vault is within the resource area of the environmental zone, none of the alternatives considered is entirely outside the resource area of the environmental zone.

As the only practicable alternative that minimize impacts on resources and functional values in the environmental zone, Alternatives 1B and 2C are the proposed alternatives, and *this criterion is met.*

**A.1.b.** There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

**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 beyond the approved limits of disturbance, and erosion of soils off the site. The applicant provided a detailed construction management plan in the application case file (page 125 and Appendix C of Exhibit A.1).

Construction management techniques have been proposed by the applicant to minimize impacts to identified resources and functional values designated to be left undisturbed. The construction techniques proposed include:

Prior to beginning construction, the following activities will be completed:
• Pre-construction meeting with contractor;

- Installation of erosion control devices (for the area where work is to begin); and
- Establishment of construction disturbance limit and installation of tree protection fencing in the areas where construction is to begin.

After construction, the following activities will be completed:
- Site restoration and revegetation;
- Construction waste management and removal; and
- Removal of erosion control devices.

To ensure that the impacts of the construction are confined to the approved construction areas (and the disturbance areas in environmental zones), a temporary construction fence will be installed around the construction site, including stockpile and staging areas. This construction fence is a chain link fence that also serves as tree protection fencing and will be installed per City of Portland standards.

In addition, in order to minimize impacts on public access and use of the park, the maximum length of open trench is limited to 100 feet at any one time along the 48-inch pipeline route. The fenced-off area will move as the contractor completes each work area.

Prior to construction, temporary erosion control will be installed around the areas to be disturbed and construction staging and stockpiling areas using best management practices from the City's Erosion and Sediment Control Manual and in compliance with the City's Erosion and Sediment Control Regulations (Title 10). Erosion control measures will be implemented and monitored by City staff through a daily inspection and maintenance program. Erosion control measures may include, but are not limited to: rock construction entrances; silt fencing; dust control and abatement; inlet protections; and installation of temporary and permanent stormwater management.

All construction work, including staging, storage, and equipment maneuvering will be confined within the construction disturbance limits, which will be fenced. Contractors will be shown the work limits, the designated root protection zones, and instructed to avoid damage to the canopy of any trees overhanging the work limits. Selective pruning of such trees may occur prior to construction as directed by the City Forester.

Trees to be protected adjacent to work areas are identified in Exhibits Sheets 31 to 40 in Appendix A. These trees will be clearly marked in the field by PWB prior to construction. Trees to be protected that border or are within the work area will be fenced at the edge of the root protection zone or as otherwise directed by the City Forester and noted in Appendix F, Alternative Tree Protection Plan.

Tree protection fencing will be six-foot tall chain link fencing secured to the ground with 8-foot metal posts driven into the ground except in the roadway, which will be a movable fence. Fencing will be installed before any site preparation or construction work begins in a given work area and will remain in place until all construction work is complete in a work area.

The PWB contractor will be responsible for ensuring that all tree protection fences are properly installed and maintained throughout the construction period. Damaged or improperly functioning fencing and other tree protection devices will be replaced immediately by the contractor upon discovery.

Additional temporary construction fencing may be installed by the contractor to ensure worker safety and to provide construction site security and individual tree protection fencing where needed. All trees to be protected are outside of the disturbance limits. All tree protection zones except those specifically noted as "modified" meet the City Foresters requirements and are

addressed in the Tree Protection Plan, Appendix F of Exhibit A.1 in the application case file. Trees labeled as modified have been reviewed with the City Forester.

Restoration of all temporary disturbance areas will include amendments of soil and landscaping. Landscaping will include seeding and planting of disturbed areas with a native seed mix developed in coordination with PWB's ecologist.

Landscaping work will be completed at the conclusion of the project. Once all construction and restoration work is completed in a work area, erosion control facilities, construction fencing and other temporary construction management measures will be removed.

These construction management measures, along with the additional measures detailed in the applicant's Construction Management Plan (Appendix C, Exhibit A.1), and the tree protection measures described in the Tree Protection Plan (Appendix F, Exhibit A.1), will ensure that there are no impacts to environmental resources beyond the approved disturbance area. With conditions that these plans will be followed during construction, *this criterion will be met.*

**A.1.c.** The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

**A.1.d.** Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

**A.1.e.** The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

**Findings**: These criteria require the applicant to assess unavoidable and significant impacts, and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values.

Zoning Code Section 33.910.030 defines Significant Detrimental Impact: *An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.*

The applicant proposes to contain construction disturbance areas within the footprints of existing gravel and paved driveways. Native vegetation will not be disturbed by the construction activities, and there will be no loss of land, water, food, cover, or nesting sites. The proposal will not cause significant detrimental impacts on resources and functional values identified within the environmental zones.

The discussion of approval criteria 33.430.250.A.1.a and A.1.b. showed that the selected alternatives 1) produce no significant detrimental impacts to identified resources and functional values of the portions of the site within the environmental zones; and 2) that the proposal will produce no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.

No significant detrimental impacts will result from the project and these criteria do not apply.

**A.3.** Rights-of-way, driveways, walkways, outfalls, and utilities;

**A.3.a.** The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

**Findings**: This criterion requires applies to development within the environmental protection overlay zone, and since the work proposed will not occur within environmental protection overlay zones, this criterion does not apply.

**A.3.b.** There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

**Findings**: The project area does not contain water bodies that are used for migration, rearing, feeding or spawning of fish. The nearest water body is the Willamette River, about three miles to the west. Due to its distance from the Willamette River, the project will have no direct impact on water bodies for the migration, rearing, feeding or spawning of fish.

To ensure that stormwater runoff from the project and site does not have a detrimental impact on the Willamette River, (or the city's storm sewer system) during construction, the applicant will follow an Erosion and Sediment Control Plan (ESCP) that meets or exceeds Title 10 and the City's Erosion Control Manual. The ESCP will include the use of erosion control best management practices.
When the work is completed, all disturbed areas will be revegetated with ground cover plants that will stabilize the soils, as well as with woody plants that will provide longer-term stabilization. All paved or graveled areas will be restored to their approximate original condition. Therefore, the project will not change the amount of impervious surface contributing to the existing stormwater management system at Mount Tabor Park. That stormwater system will continue to operate as it does today.

Therefore, no impacts to water bodies will occur as a result of this project. Because of this, there will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish, *and this criterion is met.*

**A.3.c.** Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

**Findings**: No water bodies will be crossed by the proposed development. *This criterion does not apply.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

**Historic Resource Review**
Staff shares many of the same concerns raised in the public comment letters, and has included suggested conditions of approval as a means to provide mitigation for the loss of the reservoirs' historic ~~use~~ function through the proposed disconnection. Staff notes that the proposed

disconnection may be the least invasive means for the Water Bureau to respond to the federal LT2 ruling, and is proposing alterations that will have relatively minor impacts on the historic resources overall, as the majority of alterations will be below-grade, minimally visible, or not visible, landscaping and roadways are proposed to be restored and mitigated with new plantings, and water is proposed to be returned to the reservoirs. Staff notes that the proposed change in the reservoirs' ~~use~~ function as an open and visually-accessible public utility elegantly holding the water that the citizens of this City drink every day to ~~use as~~ open storage for non-potable water is a significant change worthy of solemnity. Staff asks the commission to seriously consider the suggested conditions of approval so that we may honor the service these structures have provided the City over the past 120 years.

**Environmental Review**
The applicant proposes to construct a new 48-inch diameter pipe in Work Area 3, and to cut and plug pipes, and to install 2 valves in an existing vault in Work Area 6. Construction activities in both work areas will take place on or under the paved or graveled surfaces of existing driveways that pass through the environmental zone. Sediment will be kept from leaving the site, and all vegetation adjacent to the driveways will be protected from damage. After construction, driveways will be returned to their previous graveled or paved conditions. The paved and graveled areas will not be expanded or reduced as a result of the project. Adjacent construction areas outside the environmental zone, will also be restored to their approximate original contour and revegetated. Because the amount of pavement or gravel will not change, and the vegetation and nearby topography will not change, the work will have no effect on the open space, forest, habitat, intermittent drainage, or groundwater resources in the environmentally-zoned areas. There will be no significant detrimental impacts on resources identified within environmental zones on the site. The applicants and the above findings have shown that the proposal meets the applicable Environmental Review approval criteria. Therefore, the Environmental Review for this proposal should be approved.

## TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Historic Landmarks Commission decision)

**Historic Resource Review**
Approval of the following alterations to the Mt. Tabor Reservoirs and surrounding parklands:

- Capping and plugging existing underground pipe. In some work areas, this requires excavation of earth and existing roadways, removal of existing pipe, and installation of new piping with restoration of the earth and roadways to existing or comparable conditions (Work Areas 2, 3, 4, 5, 6, 7, 8);
- Removal of existing underground vaults and construction of new underground vaults, including manhole covers, cast iron valve covers, air/vacuum release valves, above-ground vents. Work Area 7 will include two small concrete vaults beneath the walkway with concrete lids and brushed metal hatch covers. (Work Areas 3, 4, 5, 6, 7);
- Removal of existing gates at dog off-leash area and replacement with a new double-gate for pedestrians and new vehicle gate (Work Area 2);
- Removal of existing trees and landscaping and restoration of such landscaping, as feasible, based on location of existing and proposed piping, and areas capable of accepting new plantings Work Areas 2, 5);
- Installation of buried electrical conduit (Work Areas 3, 4, 7);
- Construction of underground thrust blocks and cathodic protection system (Work Area 7);
- Construction of an above-ground electrical cabinet on concrete pad with shrub screening (Work Areas 7, 8);

- Cutting and temporarily removing historic iron pipe handrail to provide temporary access of construction vehicles, after which it will be reinstalled via welding to approximately match the existing condition (Work Area 5);
- Capping or covering outlet pipe openings in the reservoir (Work Areas 9, 10);
- Screening the inlet weir opening (Work Areas 9, 10);
- Welding shut the inlet opening inside the gatehouse (Work Areas 9, 10);
- Placing bar grating across the drain pipe opening (Work Areas 9, 10, 11);
- Screening the openings of the two pipes connecting Reservoirs 1 and 5 (Work Areas 9, 10);
- Removing the sheet metal barrier from the fence above the weir opening (Work Area 9);
- Removal of existing pipe and installation of new pipe within and outside of the Chlorination Building (Work Area 10);
- Installation of alarms in the weir and reservoir to alert when water levels in the reservoir approaches the weir, encroaching on the air gap (Work Areas 10, 11);
- Small penetrations and installation of vents and condulets at the roof and east wall Gatehouse 6 East, respectively (Work Area 11);
- Removing pipe ends and installing caps on the flanges of the outlet pipes (Work Area 11);
- Installation of new pipe inside Gatehouse 6 (Work Area 11); and
- Planting of new trees along the SE Harrison entrance (Work Area 12)

This approval is per Exhibits C-1 through C-52 and subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-218444 HR EN." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. Following completion of the disconnection, Reservoirs #1, #5, and #6 must continue to hold water, allowing for empty periods only for maintenance and cleaning.

C. The Portland Water Bureau shall develop an interpretation program that tells the history of the Mt. Tabor Reservoirs and the Bull Run water delivery system, including the proposed disconnection.

D. In the event of any archaeological discovery, work will be stopped and the State Archaeologist will be notified.

**Environmental Review**

**Approval** of an Environmental Review for:

- Construct approximately 350 feet of 48-inch steel pipe in Work Area 3, within the Environmental Conservation zone; and
- Conduct Vault Work in Work Area 6, within the Environmental Conservation zone.

This approval is per Exhibits C.15, C.18, C.32, C.35, C.52, and Exhibit A.1 Appendices C and F and subject to the following conditions:

**A. A BDS construction permit may be required.** Copies of the approved Exhibits C.15, C.18, C.32, C.35, C.52, and Exhibit A.1 Appendices C and F. LU 14-218444 HR EN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc. See "Other Technical Requirements" listed above). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, "Any field changes shall be in substantial conformance with approved LU 14-218444 HR EN Exhibits C.15, C.18, C.32,

C.35, and C.52."

**B.** Temporary construction fencing shall be installed according to Section 33.248.065 or 33.248.068 (Tree Preservation Plans/Tree Protection Requirements), except as specified below. Temporary chain link, construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.32 & C.35 Construction Management Plans, and as described in Exhibit A.1 Appendices C and F (Construction Management Plan and Tree Protection Plan) or as required by inspection staff during the plan review and/or inspection stages.

1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
2. All temporary construction areas shall be revegetated, using native vegetation, as described in the Construction Management Plan in Exhibit A.1 Appendix C.

**C.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

**Note:** In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations.

This decision applies to only the City's environmental regulations. Activities which the City regulates through PCC 33.430 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

**Procedural Information.** The application for this land use review was submitted on September 26, 2014, and was determined to be complete on Oct 24, 2014.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on September 26, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 245 days as stated with Exhibit A-2. Unless further extended by the applicant, **the 120 days will expire on: October 24, 2015.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This report is not a decision. The review body for this proposal is the Landmarks Commission who will make the decision on this case.** This report is a recommendation to the Historic Landmarks Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Historic Landmarks Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Historic Landmarks Commission can be mailed c/o the Historic Landmarks Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Appeal of the decision**: The decision of the Historic Landmarks Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Historic Landmarks Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

**Who can appeal**: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of $5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of $5,000.00).**

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**Recording the final decision.**
If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner's Name: Hillary Adam and Stacey Castleberry
Date: December 31, 2014

**EXHIBITS**
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:
   1. Application Narrative
   2. 120-day waiver
   3. Original Drawing Set, sheets 1-53, not including 50-52
   4. Pre-Application Conference Facilitator Summary Memo
   5. Email from Tom Carter, removing repair of the Reservoir 1 parapet walls from the application, dated October 22, 2014.
   6. Email from Tom Carter, clarifying rights and responsibilities regarding ownership and management of Mt. Tabor Park, dated November 20, 2014

7. Letter from Maija Spencer, Property Management Specialist for Portland Parks and Recreation, regarding coordination with PWB and requirements for proposed work, dated November 21, 2014
8. Email from Maya Argawal, Portland Parks and Recreation, regarding size of replacement trees, dated November 26, 2014

B. Zoning Map (attached)

C. Plans & Drawings:
1. Zoning, Property Boundaries, and Overall Site Map
2. List of Drawings and Index to Work Areas (attached)
3. Existing Conditions and Proposed Work, Work Area 1
4. Existing Conditions, Work Area 2
5. Existing Conditions, Work Area 3
6. Existing Conditions, Work Area 4
7. Existing Conditions, Work Area 5
8. Existing Conditions, Work Area 6
9. Existing Conditions, Work Area 7
10. Existing Conditions, Work Area 8
11. Existing Conditions, Work Area 9 – Reservoir 1
12. Existing Conditions, Work Area 10 – Reservoir 5
13. Existing Conditions, Work Area 11 – Reservoir 6
14. Proposed Work, Work Area 2
15. Proposed Work, Work Area 3
16. Proposed Work, Work Area 4
17. Proposed Work, Work Area 5
18. Proposed Work, Work Area 6
19. Proposed Work, Work Area 7
20. Proposed Work, Work Area 8
21. Proposed Work, Work Area 9 – Reservoir 1
22. Proposed Work, Work Area 9 – Reservoir 1
23. Proposed Work, Work Area 9 – Reservoir 1
24. Proposed Work, Work Area 10 – Reservoir 5
25. Proposed Work, Work Area 10 – Reservoir 5
26. Proposed Work, Work Area 10 – Reservoir 5
27. Proposed Work, Work Area 11 – Reservoir 6
28. Proposed Work, Work Area 11 – Reservoir 6
29. Proposed Work, Work Area 11 – Reservoir 6
30. Schematic of Proposed Work
31. Construction Management, Work Area 2
32. Construction Management, Work Area 3
33. Construction Management, Work Area 4
34. Construction Management, Work Area 5
35. Construction Management, Work Area 6
36. Construction Management, Work Area 7
37. Construction Management, Work Area 8
38. Construction Management, Work Area 9 – Reservoir 1
39. Construction Management, Work Area 10 – Reservoir 5
40. Construction Management, Work Area 11 – Reservoir 6
41. Erosion Control Detail Sheet
42. Temporary Chain Link Fencing Details
43. Landscaping Plan and Mitigation Trees, Work Area 2
44. Landscaping Plan, Work Area 4
45. Landscaping Plan and Mitigation Trees, Work Area 5
46. Landscaping Plan, Work Area 7
47. Landscaping Plan, Work Area 8
48. Planting Work Areas 12A and 12B West Park Area

49. Planting Work Areas 12C and 12D SE Harrison Drive Area
50. Legend and Abbreviations
51. Landscaping and Mitigation Details
52. Construction Management Details in SE Lincoln Drive

D. Notification information:
1. Request for response
2. Posting letter sent to applicant
3. Notice to be posted
4. Applicant's statement certifying posting
5 Mailing list
6. Mailed notice

E. Agency Responses:
1. Bureau of Environmental Services
2. Bureau of Parks, Forestry Division
3. Bureau of Transportation Engineering and Development Review
4. Life Safety Division of Bureau of Development Services
5. Water Bureau

F. Letters:
1. Mark Bartlett, on October 23, 2014, wrote with procedural questions regarding determination of application completeness.
2. Ty K. Wyman, on behalf of Brian Rohter and Eileen Brady, wrote on November 10, 2014, suggesting the application only be approved with a condition of approval that each above ground reservoir be filled with water and maintained as full to ensure preservation of historic character.
3. Mark Bartlett, on November 17, 2014, wrote questioning the water Bureau's authority to work in areas not managed by them and comments on what is and is not included in the case file.
4. Mark Wheeler, on November 17, 2014, wrote with strong disapproval of the reservoir system, requesting that the reservoirs remain open.
5. Jocelyn Goodall, on November 18, 2014, wrote with concerns about the future of the reservoirs if they are no longer used as a utility, support for the existing open reservoir system, and concerns with the safety of underground water storage.
6. Steven T. Wax, on November 19, 2014, wrote questioning the need for the current proposal, suggesting that the reservoirs be taken off-line rather than physically disconnecting them through the proposed cut-and-plug method.
7. Stephanie Stewart, on November 19, 2014, wrote on behalf of the Mt. Tabor Neighborhood Association (MTNA), requesting several conditions of approval including the requirement for filling the reservoirs, Water Bureau articulation of future maintenance and security responsibilities, incorporation of a future-use plan, formal study of impacts akin to Section 106, requirement of a preservation plan, requirement for preservation of historic resource with appropriate funding, and formal oversight from the Historic Landmarks Commission or a third party to ensure all approval criteria are met. MTNA also submitted several records into the fil, by reference.
8. Mary Kinnick, Co-Chair of Friends of Mt. Tabor Park, on November 20, 2014, wrote with full endorsement of the MTNA letter, encouraging special consideration of MTNA's requested conditions of approval.

G. Other:
1. Original LUR Application
2. National Register Nomination for Mt. Tabor Reservoirs Historic District
3. National Register Nomination for Mt. Tabor Park
4. Use Determination for Reservoirs at Mt Tabor Park, dated September 3, 2003

H.
1. Staff Memo to the Historic Landmarks Commission, dated November 21, 2014
2. Staff Report and Recommendation, dated November 21, 2014

Testimony received prior to December 1, 2014 Historic Landmarks Commission hearing

3. Bertha Guptil, on November 21, 2014, wrote in opposition.
4. PWB Correspondence with Steven Wax, dated November 24, 2014
5. Kim Lakin, on November 23, 2014, wrote with suggestions for improvement.
6. Sandra Hay Magdaleno, South Tabor Neighborhood Association President, on November 24, 2014, wrote suggesting reversibility and maintenance of historic character and supporting MTNA letter.
7. Floy Jones, Friends of the Reservoirs, on November 25, 2014, wrote in opposition and with requests for additional mitigation measures.
8. Brad Yazzolino, on November 28, 2014, wrote with requests for conditions of approval and with support of MTNA letter.
9. Ty K. Wyman, representing Brian Rohter and Eileen Brady, on November 24, 2014, wrote requesting additional information and conditions of approval.
10. Staff Presentation, dated December 1, 2014
11. Applicant Presentation, dated December 1, 2014
12. Work Areas at Mount Tabor, map distributed by PWB at December 1, 2014 hearing
13. LT2 Compliance timeline, distributed by PWB at December 1, 2014 hearing

Testimony received at December 1, 2014 hearing

14. Mary Ann Schwab, presented oral testimony in favor, provided certain conditions of approval were applied.
15. John Laursen, representing Mt. Tabor Neighborhood Association, presented oral and written testimony, suggesting conditions of approval.
16. Dawn Smallman, presented oral, visual, and written testimony, suggesting conditions of approval.
17. Kim Lakin, presented oral and written testimony in opposition, suggesting denial of application or including conditions of approval. Ms. Lakin also submitted the Mt. Tabor Historic Structures Report, dated May 2009.
18. Stephanie Stewart, presented oral and written testimony in opposition, suggesting conditions of approval.
19. Brian Rohter, presented oral, visual, and written testimony in opposition, suggesting conditions of approval.
20. Suzanne Sherman, presented oral and visual testimony in opposition, with concerns of the proposal's impacts on wildlife.
21. Christopher Lancefield, presented oral testimony in opposition.
22. Mark Bartlett, presented oral and written testimony in opposition, with concerns regarding the land use process.
23. Matthew Byloos, presented oral testimony in opposition.
24. David Hilts, presented oral testimony in opposition.
25. Brad Yazzolino, presented oral and written testimony (see H-8) in opposition.
26. Laura Orr, presented oral and written testimony in opposition, suggesting retention of water.
27. Mary Kinnick, Friends of Mt. Tabor Park, presented oral testimony in opposition, suggested retention of water.
28. Eileen Brady, presented oral testimony in opposition, requested conditions of approval.
29. Floy Jones, Friends of the Reservoirs, presented oral testimony in opposition, suggested conditions of approval.
30. Valerie Hunter, presented oral and written testimony in opposition regarding reversibility. Please see Exhibit H-30 for additional details.
31. Ty Wyman, representing Brian Rohter and Eileen Brady, presented oral testimony regarding land use process and Commission authority.
32. Steve Reinemer, presented oral testimony in opposition.
33. Johnny Dwork, presented oral testimony in opposition.
34. Katherine Kirkpatrick, presented written testimony in opposition, as well as public documents regarding reservoirs use determination and LT2 compliance.
35. Daniel Berger, presented written testimony in opposition, suggested retention of water.
36. David Morrison, presented written testimony in opposition.

37. Jana Throckmorton, South Tabor Neighborhood Association, presented written testimony in opposition.
38. Susan Tompkins, presented written testimony in opposition.
39. Joy Ellis, presented written testimony in opposition.
40. Dee White, presented written testimony in opposition, suggested conditions of approval.
41. Kim Dianich, did not present testimony but noted her support.
42. Tom Koehler, did not present testimony but noted his opposition.
43. Alexander Aris, did not present testimony but noted his opposition.
44. Carrie Seitzinger, did not present testimony but noted her opposition.

Testimony received after December 1, 2014 hearing:

45. Tana and David Cahill, on November 24, 2014, wrote in opposition, supporting MTNA suggested conditions of approval.
46. Mark Bartlett, on December 7, 2014, wrote in opposition.
47. Nate Klett, on December 11, 2014, wrote with suggestions for the future of the reservoirs.
48. Kira Edmunds, on December 16, 2014, wrote in opposition.
49. Anna Fritz, December 16, 2014, wrote in opposition.
50. PWB December 23, 2014 Response for HLC Hearing #2 on 1/12/15
51. PWB December 23, 2014 Response Attachment A – Mount Tabor Reservoir Historic Structures Report 2009 (Table revised Dec. 2014) Condition Analysis and Recommendations Tabular Summary
52. PWB dated December 23, 2014 Response Attachment B, Air Gap Details
53. PWB December 23, 2014 Response Attachment C, OAR 333-061-0070 Cross Connection Control Requirements and OAR 333-061-0071 Backflow Prevention Assembly Installation and Operation Standards
54. PWB December 23, 2014 Response Attachment D, Ordinance No. 182457, Affirming Management Authority at Mt. Tabor

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**