

MT TABOR LUR

14-21844

5-28-15

"MT TABOR Discontinuation" LUR 14-21844 HREN

Mark Bartlett

LUR Docs Submitted 5-27-15 To Auditor

① CASE Summary - appeal TO HLC (9 Feb 2015)  
(11 pages) 2 sides

② Letter TO M.H.C. Portland Auditor 2-10-15  
(12 pages) map, DeCombs memo, Deed Records

③ Memo From M Stahr PWB → PPR Maria Spencer  
Aug 28 2008 Trade ownership in Park (1 page)

④ Park Property ownership 6-13-2007 10:12:07  
Mark TO CAG + stock (10 pages) PWB to Mark on  
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⑤ LAND Purchases 1912 - PPR

⑥ Dan Combs Memo 3 OCT 2002 16:57 TO D Kessler  
(14 pgs) Property Research Deed Records

⑦ Memo 9-15-2008 from PPR on Park Parcels, 1959  
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⑨ MT TABOR Central Yard Planning Group Mtg Review  
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⑩ PPR Confidential Memo from Grunwald 4-28-2006  
(8 pages) Deed Listed properties -

⑪ 10-27-2004 Ordinance 178832 Preserve Reservoirs

⑫ PWB Notice of Hearing May 28<sup>th</sup> on LUR 14-21844

⑬ 6-8-13 LT2 letter from Hales

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⑮ Memo MHH to Kessler July 2002 (6 pgs)

⑯ PWB Kessler to J Hummel SHPO May 28-2003 (6 pgs)

⑰ MT TABOR Master Plan 3-15-1999 Baseline Report  
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## CASE SUMMARY

This is an appeal of the Historic Landmarks Commission's ("HLC") *Final Findings and Decision* ("Decision") dated February 9, 2015, approving, with condition of a mitigation plan, the Mt. Tabor Reservoir Disconnection application submitted by Applicant Tom Carter on behalf of the City of Portland and Portland Water Bureau (collectively referred to below as "Applicant") in LU# 14-218444 HR EN, PC# 14-118276.

The case was acknowledged by the HLC as one of the most complicated ever to come before it.

The impetus for the case is Portland City Council's longstanding policy to disconnect and/or demolish Reservoirs #1, #5 and #6 at Mt. Tabor Park, despite almost unanimous public objection.

City Council first codified that policy via a Use Determination ("UD") dated September 3, 2003, for a disconnection/demolition plan that was later abandoned due to continued public opposition. Said opposition included an appeal of the UD (*Boly v. City of Portland*, LUBA 2003-152), but the issues were never litigated due to a technicality (City Council's failure to notify appellants of a hearing upon which their right to appeal hinged).

Public intervention on behalf of the reservoirs succeeded in placing them, and the surrounding park, on the National Register of Historic Places in 2004, subjecting them to the full protections of *Portland City Code* ("PCC") Title 33.846.060 *Historic Resource Review*.

Following historic nomination, City of Portland negotiated with federal and state regulators, resulting in the adoption of a federal drinking water regulation (the *Long Term II Surface Water Treatment Rule*, or "LT2," codified by the Oregon Legislature as modifications to ORS 448.135) which the City then cited as a reason for resuming its plans to decommission the reservoirs (though the regulation does not actually require this). The City moved forward with decommissioning plans under a Type II land use process with minimal public notice.

After continued public opposition, City Council modified its decommissioning plan to include retention of above-ground water features at the site via an unspecified future process; and it submitted the revised plan to the HLC for Type III Historic Resource review.

No new UD was made; rather the application incorporated the original demolition UD from 2003. The Mt. Tabor Neighborhood Association ("MTNA") requested and paid for a new Use Determination, but City staff delayed processing that request until after the HLC's decision was issued, despite being informed that the determination sought by MTNA was material to the case before the HLC.

A public hearing was held before the HLC on December 1, 2014, at which the HLC deemed the application deficient and instructed the Applicant instructed to return with a more concrete mitigation plan. Vociferous public testimony objected to the appropriateness of the application, and questioned the Applicant's trustworthiness to abide by a mitigation plan should one be approved. The HLC directed Applicant to contact witness MTNA and make a

“meaningful collaborative effort to reach consensus with the community.” The HLC remarked that it received more public testimony in this case than in any it had heard previously.

A second hearing was held on January 12, 2015, at which Applicant revealed that it had not complied with the HLC’s request to meet with MTNA. A new application was presented by Bureau of Development Services (“BDS”) staff which struck out references to the proposed change in “use,” replacing them with the word “function.” Applicant submitted, as a mitigation plan, a checklist from a May 2009 contractor’s maintenance assessment (the *Mount Tabor Reservoirs Historic Structures Report*, hereafter referred to as “Mitigation Plan”), but made no promise to comply by it, suggesting that City Council reserved the right to withdraw compliance with the plan at will. Following opposition testimony by several dozen witnesses and the submission by MTNA of an opposition petition signed by 915 individuals and 20 organizations (which HLC indicated was the highest turnout it had ever seen), approval was again denied, and the Applicant was again sent back to flesh out its Mitigation Plan.

A third hearing was held on January 26, 2015. Applicant did not attend. BDS staff argued on behalf of Applicant. The HLC expressed concern that Applicant did not appear to be the true decision-making power behind the City’s proposed reservoir decommissioning. BDS argued that HLC had no authority to enforce compliance with the Mitigation Plan, and suggested that BDS resign itself to wearing “advocacy hats,” serving City Council in a purely advisory role. BDS insisted on a vote, and the Applicant’s proposal was rejected 3-3. The public record in the case was closed.

Applicant then engaged in three weeks of off-record negotiations with City staff, following which the HLC publicly announced on February 9, 2015, that Applicant’s proposal had been approved, with the 2009 Mitigation Plan set as an approval condition. Interested parties were given until 3:00 p.m. Friday February 27, 2015, to appeal the HLC decision to Portland City Council.

## **ASSIGNMENTS OF ERROR**

The Historic Landmarks Commission (“HLC”) erred in approving an application that was incomplete, inaccurate, and failed to meet the approval criteria of the site; and the HLC exceeded its legal authority in issuing an approval-with-conditions without ensuring that the conditioned plan will actually result in adequate mitigation.

### **I. Errors of Omission.**

#### **A. HLC erred in approving an application that was incomplete.**

1. **Title, Ownership and Management.** The HLC failed to exercise due diligence, by approving an application without requiring Applicant to show clear title and/or management rights to the property in question. PCC 33.730.060(C)(1) and (2) require an applicant to list all true owners of the properties impacted, and its interests relative to those owners; and to document all current and proposed uses of the properties impacted. Credible evidence was supplied by witness Mark Bartlett, and by witnesses Eileen Brady and Brian Rohter via their

attorney, Ty Wyman, that the proposed work impacts land that is not owned and/or managed by Applicant Tom Carter or the bureau that he represents, but rather is owned and/or managed by Portland Parks and Recreation and zoned exclusively for park (i.e., non-utility) use. The application in this case failed to accurately distinguish both the true ownership of the various parcels impacted. The application also failed to accurately delineate the current and proposed uses of those parcels, both in terms of the parcels under applicant Water Bureau's management (see discussion in Section 2 below) and also in terms of the parcels currently under Portland Parks and Recreation management and zoned exclusively for park/recreational use (see discussion in Section 4 below). The HLC exceeded its authority in approving an application lacking in such particulars.

## 2. Use determination/change in use.

a. **Use determination precedes application of code.** The HLC erred in approving an application which lacked a clear UD upon which to determine applicable approval criteria. Under the Portland Zoning Code, approval criteria are determined by use; i.e., use is the first thing which must be determined, with all subsequent reasoning and authority based on that determination. Before delineating or enforcing any approval criteria, the HLC must first know both the current use and the proposed changes to it. Applicant relied upon an old 2003 UD that predated the site's historic listing and failed to address outstanding title and ownership questions. Applicant failed to specify how or whether its proposal changed the site's use(s). The evidence before the HLC overwhelmingly proved that the Applicant failed to meet its burden under 33.800.060 to clarify use categorization:

- City representatives repeatedly claimed that the proposed use was "reversible," without specifying what the use category would be either before or after reversal.
- Witness Katherin Kirkpatrick testified on January 12, 2015, that Applicant's claims as to the project's future reversibility hinged (via 33.815.050) entirely upon the reservoirs remaining in their current conditional use category (Basic Utility); and asked on January 20 that the City be required to ensure this categorization by, for example, issuing a use determination to that effect, and/or adopting a resolution designating the decommissioned reservoirs as an emergency drinking water backup system.
- Instead, the City removed the assertion "the utility use on the site is not changing" from its revised application, and simply changed the word "use" to "function" in its subsequent documentation.
- The HLC itself conceded 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," yet did not offer even basic conjecture as to what the new use category would be.
- City Attorney Kathryn Beaumont testified on December 12, 2014, that the future use category was uncertain, postulating that it probably was no longer utility, and may or may not be recreational.

Clearly there was controversy even among the City's own representatives as to what the proposed use category would be. Thus, there was no basis upon which to determine what approval criteria apply. Witnesses MTNA and Mark Bartlett clearly testified that a new UD had



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been requested that was material to the outcome of the HLC hearing, and they requested that the hearing be kept open until such information was publicly available. The HLC exceeded its authority by closing the record while material issues were outstanding and issuing a premature decision based on insufficient information.

**b. Change in use requires a Type III conditional use hearing.** The HLC erred in approving an application for which applicant had not exhausted the Type III conditional use hearing requirements of PCC 33.815.040(A) regarding any proposed change in the current conditional use. As acknowledged by the Applicant in its application, the reservoirs are basic utilities, which are not allowed outright in the open space; rather, they enjoy automatic conditional use by virtue of predating the existence of the Code. Given that they represent a nonconforming, conditional use, then under 33.815.030 any proposed change or addition to that use is subject to the provisions of 33.815.040 and the appropriate approval criteria. As discussed in I.A.2.a. above, Applicant did not exercise due diligence in determining the use category of the proposed development before making its application. Applicant thus fails to meet its burden under 33.800.060 of proving that its proposed change in use does not require a Type III conditional use hearing under 33.815.040(A). The HLC exceeded its authority by issuing a premature decision based on an application that was incomplete in this manner.

**3. Type III Conditional Use for alterations to development of an existing conditional use in same category.**

**a. Increased surface area.** The HLC failed to exercise due diligence when it approved an application without requiring Applicant to exhaust the Type III Conditional Use Hearing requirements of PCC 33.815.040(B)(1)(d) regarding the proposed development alterations to the existing conditional use. As testified by attorney Ty Wyman in his January 7, 2015, brief, the proposed work increases the exterior improvement area in an amount that may be greater than 1500 square feet. The burden under 33.800.060 is upon the Applicant to either (1) prove with quantifiable metrics that its proposed work will not increase the exterior improvement area by more than 1500 square feet; or (2) prove that it has carried out the appropriate Type III conditional use hearing required for increases by more than 1500 square feet. Applicant did neither. The HLC exceeded its authority in approving an application for which this prerequisite was not met.

**b. Change in amount of previous use.** Even if one gives the Applicant the benefit of the doubt (which per 33.800.060 one should not do), and assumes that future basic utility use will be preserved (e.g., through designation as a backup water source, or via the proposed construction of an emergency power generator at Gatehouse 6), Applicant's proposal drastically impacts the amount of continued utility use in the same category. The reduction in amount resulting from a project that shunts a large city's entire daily water needs elsewhere, and replaces them with a mere tankful of backup or generator water, represents far greater than a 10% change in the amount of water represented by the current basic utility use, requiring a Type III conditional use hearing under 33.815.040(A)(4)(b). Applicant had the burden under 33.800.060 of either (1) proving through clearly documented metrics that its proposal would continue to use at least 90% of the water amount associated with current basic utility usage; or (2) proving that it has carried out the appropriate Type III conditional use

hearing required if its proposed change to the site uses less than 90% of the current amount. Applicant did neither. The HLC exceeded its authority in approving an application for which this prerequisite was not met.

**4. Type III Conditional Use for alterations of development of multiple uses in different categories.**

**a. Multiple concurrent uses.** The HLC failed to exercise due diligence when it approved an application without requiring Applicant to exhaust the Type III Conditional Use Hearing requirements of PCC 33.920.030(B) with regard to the basic utilities that also have a concurrent non-utility (e.g., park) use. As testified by attorney Ty Wyman in his January 7, 2015, the proposed work drastically alters the park's scenic vistas, in both the long and short term, via equipment access, tree removal, and uncertainty regarding the reservoirs' future fill levels, maintenance, or indeed their very existence. The burden under 33.800.060 is on the Applicant to prove that this requirement has been exhausted, or provide clear documentation as to why it need not be. That burden was not met. The HLC exceeded its authority in approving an application lacking in these particulars.

**b. Loss of old use or addition to it.** The HLC erred in approving an application without requiring Applicant to exhaust the Type III Conditional Use Hearing requirements of PCC 33.815.040(A)(2)(b) and/or 33.815.040(A)(3)(b) insofar as the work proposed will impacted lands which are currently zoned only open space without the required conditional use permit under 33.100.100(C) for basic utility use. The proposed work will install pipes and other utility improvements, and create utility easements and subject the lands to high-impact installation and maintenance work. City of Portland did not involve the true owner of those properties in this process; indeed, it remains unclear who the true owner(s) even are. Applicant had the burden under 33.800.060 to document that it owned those lands or had completed the proper conveyance and easement procedures to gain legal access to them. That burden was not met. The HLC exceeded its authority in approving an application lacking in those particulars.

**II. Errors of Commission.**

**A. Approval Criteria under Historic Review 33.846.060(G).**

**1. Historic character; removal/alteration of historic features must be avoided under §1.**

**a. Loss of historic use.** The HLC erred in its conclusion that aesthetics rather than use are sufficient to preserve historic character. Use is a historic feature whose loss must be avoided under 33.846.060(G)(1). The HLC incorrectly reasoned:

"Although the historic function and use of the reservoirs is part of its historic significance, the Commission 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."

--*Decision*, pp. 17-18, emphasis added.

This interpretation is flatly wrong. 33.846.060(G)(1) does not limit its authority to mere aesthetics. In this case, the reservoirs' use as public water utilities is an expressly delineated historic feature that is not only named in, but was indeed the reason for, their historic nomination:

[T]he reservoirs were listed...due to their high integrity and historic significance to the city's water supply....The National Register nomination for the reservoirs states, '[T]hese open reservoirs represent some of the finest examples of intact, still-in-use City Beautiful public works remaining in the nation.'"

--*Decision*, p. 5, emphasis added.

To allow Applicant to remove the reservoirs from use as intact, still-in-use water works would remove the very feature that defines their character and got them nominated to the Register. To meet the avoidance requirements of 33.846.060(G)(1), Applicant has the burden of proving that less destructive alternatives were considered, and were not possible. Applicant offered no proof that removal of the reservoirs' function is necessary; indeed, the public testified and Applicant conceded that the LT2 drinking water rule offers less destructive options for compliance. Witnesses MTNA, Floy Jones and Katherin Kirkpatrick provided credible written evidence of less destructive compliance methods successfully employed by other cities. They also offered written evidence of Applicant's long-term refusal to publicly account for its refusal to develop alternate strategies. Applicant offered no evidence in support of its contention that its choice of a destructive compliance strategy was necessary, nor any evidence that other methods were indeed considered. This was echoed in Applicant's refusal to engage with the HLC on the topic of future compliance with conditions of approval, which the HLC termed "inconceivable." *HLC comments, December 1, 2014, hearing*. Applicant failed to meet its 33.800.060 burden of proving that destruction of the resources' historic utility function was unavoidable. The HLC erred in approving this aspect of the proposal.

**b. Physical disconnection must be avoided under §1.** The HLC erred in allowing physical destruction of historic features when such destruction is to be avoided per 33.846.060(G)(1). As with the historic use of the reservoirs discussed in II.A.1.a. above, the Applicant offered no documentation of its contention that physical disconnection of the reservoirs via cutting and plugging of pipes, and removal of other functional facilities, was necessary. Indeed, public testimony proved and Applicant acknowledged that other alternatives existed; and it offered no proof that it had duly considered them. Applicant failed to meet its 33.800.060 burden of proving that physical disconnection is necessary. The HLC erred in approving this aspect of the proposal.

**c. Fill levels and surface area must be preserved under §1.** The HLC erred in its quantification of historic fill levels to be maintained as Condition B of approval. Witness MTNA requested, and HLC voiced agreement with, a condition that Applicant be required to maintain the reservoirs at the historical fill levels that are an inherent design feature of the park's scenic vistas. Figures of 50% to 75% were cited by Applicant but questioned by MTNA, who requested that the Applicant fulfill due diligence in researching the true fill levels necessary for both historic accuracy and adequate maintenance, before finalizing a Mitigation Plan. The

HLC's findings also note that the parks' historic character depends on the acreage represented by the surface dimension of the contained water:

The surface of the water held in the reservoir basins represents approximately twenty acres, about one tenth of the entire park acreage...[which] provides a chiaroscuro effect of Mount Tabor Park."

--*Decision, p.5.*

Applicant has failed to meet its burden of proof under 33.800.060 regarding the quantifiable metrics of historic fill levels and surface dimensions upon which an accurate preservation of this essential historic characteristic must be preserved. And, insofar as any proposed work changes the fill levels or dimension of surface water vistas in an amount greater than 10% of their original values, the Applicant must exhaust its Type III conditional use hearing obligations under 33.815.040(B)(1)(d). Applicant failed to meet its burden of proof as to the quantifiable metrics of the historic fill levels and surface vistas, and thus could not prove whether it was justified in skipping Type III conditional use process. The HLC exceeded its authority in granting an application that was deficient in this regard.

**2. Record of its time.** Under §2, the resource must remain a physical record of its time. The HLC's Decision errs in its findings that Applicant "has worked with the local community, resulting in a proposal that is essentially reversible." Applicant failed to meet its burden as to either, which will be dealt with in Section II.A.3. below.

**3. Preserve form and integrity of historic resources.** Under §9, new additions and adjacent or related new constructions must 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." This represents the greatest failure of the Applicant to meet its burden of proof, and the greatest failure of the HLC in approving the application:

**a. Reversibility.** All parties to this case unanimously agreed that reversibility was a necessary prerequisite to the City's proposal being approved:

"The proposed changes can be reversed."

--*Applicant's Revised Staff Report, November 24, 2014, p.1*

"MTNA requests that a premium be placed on the "reversibility" concept inherent in preservation ethics and represented in Approval Criteria #9."

--*MTNA Comments to the Record, November 20, 2014, p.13*

"The changes can be reversed."

--*Tim Heron, Historic Landmarks Commission, oral testimony of January 20, 2015*

"The current proposal does appear to preserve the essential form and integrity of the reservoirs ... in that it does not propose significant irreversible changes."

--*Decision, p.21*

Thus, approval hinges upon retention of the landmarks' future use as Basic Utilities.

However, as discussed in Section I.A.2.a. above, the Applicant provided conflicting information as to the proposed future use and failed to meet its burden under 33.800.060 to dispositively settle this issue. If one is to give Applicant the benefit of the doubt (which one is under no obligation to do), then one would trust both the City Attorney, Kathryn Beaumont, who conceded in her December 1, 2014, oral testimony that the reservoirs' use was changing; and City staff, who told the HLC:

“that the proposed change in the reservoirs' function as an open and visually-accessible public utility elegantly holding the water that the citizens of this City drink every day to open storage for non-potable water is a significant change worthy of solemnity.”

--*Decision*, p.29, emphasis added.

If this changes the reservoirs' future Basic Utility use by, for example, shifting the reservoirs to a purely aesthetic recreational use, such change in use will erode the foundation on which the historic structures currently enjoy conditional use status.

This is because the reservoirs are not an allowed use in the open space, but rather enjoy automatic conditional use status by virtue of predating the existence of the Code (*PCC 33.100.220*, *PCC 33.258*, *PCC 33.815.030*). Once the applicant takes the landmarks out of the Basic Utility use category, this grandfathered conditional use status cannot be guaranteed in the future:

If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. Any conditional use proposing to locate at the site after that time must go through a new conditional use review.

--*PCC 33.815.050, Loss of Conditional Use Status*

By proposing to change the use of these reservoirs to an aesthetic-only "recreational" use, the Applicant appears intent on irreversibly wiping these in-use utilities from the history books even if the drinking water regulations being (erroneously) cited as the reason for the proposed work are revised.

As testified by witness Katherin Kirkpatrick on January 20, 2015, the only way for the Applicant to meet its burden of proof that it will safeguard this future character, form and integrity is for the Applicant to outline a concrete plan for the landmarks' continued classification in the Basic Utilities use category (for example, as an emergency backup system). The applicant would also need to demonstrate steps it has taken to achieve regulatory compliance while better preserving the landmarks' integrity (for example, treatment at the outlet). It has done neither.

The Applicant has failed to meet its burden of proof regarding its ability and intent to preserve the landmarks' historic character, function and integrity as in-use City Beautiful water supply utilities. Indeed, public testimony before the HLC provided credible proof that the Applicant has

demonstrated a long history of contempt for public process and reservoir stewardship. Witness Katherin Kirkpatrick provided written notes from 2003, showing that:

"The problem is that the [City] does not specify whether "the time of building permit application" is before ... or after the demolition has already occurred. The petitioners have good reason to believe that the reservoirs will be destroyed before they have any further opportunity to object in a land use proceeding.

"There is already precedent for what the city will do. It resorted to an identical Use Determination on March 6, 2003 to rule that the reservoirs in Washington Park could be covered without a land use review. It then gave notice of the right to appeal ... [yet] no such notice was given and no conditional use process was initiated before the Water Bureau made immediate application for the actual "Site Development Permit."

*--Katherin Kirkpatrick written testimony, January 12, 2015.*

Those notes quoted witness Jeff Boly, preparing for the appeal of the original 2003 UD for reservoir demolition, upon which the Applicant still relies today. As pointed out in the Case Summary above, the City failed to notify appellants of a crucial land-use hearing in that case, validating the community's fears about the City's intent (Washington Park's reservoirs are indeed being demolished as predicted), and underscoring the predictable consistency with which the City can be relied upon to renege on any promises of future stewardship. The HLC witnessed firsthand the City's contempt for public process and for the HLC itself, when the Applicant defied the HLC's December 1, 2015, request that it contact the MTNA before the next scheduled hearing and engage in "meaningful collaborative effort to reach consensus with the community." When asked by the HLC on January 12, 2015, why it had chosen to ignore MTNA's phone messages, Applicant responded that it had simply decided that such collaboration was not worth its time.

The HLC had firsthand knowledge of the Applicant's unwillingness to meet its burden on this issue. The HLC also knew that loss of conditional use status under 33.815.050 meant that the Applicant's claims of reversibility were utterly insincere. The HLC overstepped its authority in finding the Applicant credible on the issue of reversibility.

**d. Mitigation Plan.** In setting the 2009 Mitigation Plan as a Condition E of approval, the HLC errs in accepting the Applicant's unproven assertion that it can be trusted to flesh out metrics, carry out prescribed maintenance work, ensure funding, and otherwise carry out the Mitigation Plan by way of unspecific processes that may or may not be honored at an unspecified later date by the decision-making party with ownership control over the reservoir, City Council. City Council has absented itself from obligation by advancing its plan using the Applicant Water Bureau as a straw man with no authority to enter into obligations on City Council's behalf. This is entirely unacceptable under the burden of proof requirements of 33.800.060 and the caselaw delineated by attorney Ty Wyman in his January 7, 2015, brief; the arguments and case cites of which are incorporated herein by reference.

Witness John Laursen of MTNA provided damning testimony against Applicant's proposed Mitigation Plan, showing that the single page of indecipherable red arrows over a checked-off



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chart (which Applicant submitted in order to make it look like progress had been made since 2009), was actually a mere fragment of the full 2009 report. The meaning of Applicant's notations could not be deciphered even by the best efforts of MTNA's historic structures consultant; but what could be deciphered was that only \$153,000 of the report's recommended \$1,573,000 in work had been completed since the report was authored, yielding a progress rate that would leave the reservoirs progressively degrading toward senescence for the next 57 years. Witness John Laursen summed up the significance of this fact when he observed that:

"Our kids can cash their Social Security checks for the ribbon-cutting party [at the Plan's completion in 2066]....It appears that the only history Applicant is interested in preserving is its history of neglect.

--John Laursen verbal testimony, December 1, 2014.

As attorney Ty Wyman pointed out in his January 7, 2015, brief, Applicant has demonstrated a profound misunderstanding of the quasi-judicial process before the HLC. Applicant alone has the burden of proof, and may not defer that burden to some undefined future process. Yet City of Portland attempted to use its straw man Applicant Water Bureau to evade obligation, submitting a Mitigation Plan with the caveat that City Council may renege upon at its whim. And City of Portland's chosen Applicant could not even be relied upon to attend all of the hearings in its case, often relying upon BDS representatives to (wrongly) advise the HLC that it did not have authority to enforce a Mitigation Plan.

**The City's past and future intent with regard to these irreplaceable historic resources was perfectly summed up in the testimony of BDS representative Tim Heron, when he suggested at the January 12, 2015, hearing that if the City were to let the reservoirs fall into hopeless disrepair, that was no business of the HLC, but rather it was the public's responsibility to call the City's code violation hotline.**

Case law was cited by Attorney Wyman that made it very clear that the HLC indeed has the authority to require proof from decision-makers as to how and when a Mitigation Plan will be complied with. See, e.g., *Gould v. Deschutes County*, 216 Or App 150 (2007); *Meyer v. City of Portland*, 67 Or App 274, 280-82, rev den, 297 Or 82 (1984); and *Caster v. City of Silverton*, 54 Or LUBA 441, 454 (2007). Short of quantifiable metrics and assurances of future funding, the HLC is obligated to either enjoin the Applicant to demonstrate those conditions of approval, or deny the application.

"Applicant did not dispute the abundant credible testimony before the HLC that it has inadequately cared for the historic resources on the site. Rather, it said, in essence, that such lack of care was irrelevant. "Put bluntly, PWB has built no credibility, either in its past performance or in its testimony before this Commission....PWB's acknowledgement that it has not cared for the historic resources on the site belies its mission to work in the public trust. In other words, the [HLC] has every right to expect better from a public sector applicant than it would get from a private sector applicant (which is responsible to shareholders). Yet, it gets none."

--Ty Wyman testimony, January 7, 2015, p.6

As correctly noted by the HLC on December 1, 2015, if the Applicant does not have the authority to assure a future budget for the Mitigation Plan, then by definition it cannot meet its burden of proof. *Comments of Commissioner Matarazzo, December 1, 2015.*

The HLC was thus well aware that the burden of proof had not been met. The HLC erred in approving the application with the condition of a Mitigation Plan that has:

- No quantifiable metrics;
- No benchmarks temporally tying staged completion of maintenance work to the proposed decommissioning project; and
- No dedicated funding.

The application should be denied outright or remanded until the true property owner with decision-making power behind the application (i.e., City Council) enacts such obligations as will make the Mitigation Plan quantifiable and enforceable.

2-10-15

Mary Hull Caballero.

I write to inform you further on the issue I brought to you in January.

City Bureaus are obligated to research, identify, and comply with legal deed restrictions that apply to City owned properties.

Some City bureaus are not doing this.

In some cases, City bureaus are attempting an end around legal deed restrictions by consolidating individual property parcels.

In some cases, BDS is actively abetting City bureaus in circumventing these requirements. BDS should be ensuring that City bureaus meet these requirements.

PWB currently has such an application in the land use review process. (LU 14218444 HR EN) BDS approved the application for review with knowledge that representations on that application were untrue and did not require evidence of legal ownership.

BDS has allowed numerous preferential exceptions in the application process and application of the zoning code in this case because they refuse to acknowledge legal title. BDS is aiding the PWB as applicant by allowing exceptions to their own application requirements.

BDS and PWB have refused to comply with these rules while having knowledge of these conflicts of interest so are complicit in defrauding the public.

I am requesting that the Auditors office

a) clarify the obligations City bureaus have to identify legal ownership and follow legal deed restrictions on City-owned property parcels

b) investigate recent instances in which City bureaus have ignored or attempted to circumvent these requirements.

c) make recommendations for policy and procedure changes to ensure that City bureaus comply with these requirements in the future.

Thank you,

Mark Bartlett

Using Mt Tabor Park as an example I am providing documents and maps relevant to understanding the issue that there are in fact are distinct classes of public land ownership

- a) the City
- b) non revenue bureaus
- c) revenue bureaus

In the attached letter dated Oct 3, 2002 from Dan Coombs to Dennis Kessler at PWB, are outlined some of the legal considerations for the classification of the types of public properties along with legal precedents for transferring, swapping, or sharing that land between bureaus. I have underlined the most important language but would encourage you to read the entire letter most notable sections 2, 4, and 5.

Dan was a licensed surveyor who worked for the PWB doing surveys and deeds research. He has provided me with a number of maps and documents about Mt Tabor Park.

There are 51 individual parcels in Mt Tabor Park. PWB owns approximately 51 acres of the 196 in the park, which surround the reservoirs. The balance is "owned" by either the City or PPR. Both PPR and PWB have acknowledged this in a memorandum in 2008.

I have attached an 8 x 11 version of that parcel map delineating ownership by the PWB and a full size copy from 1959. That map is identified by Dan as PWB "general plans map" 3-B-6 which I have confirmed is at Archives. It is dated and stamped by property control, the government agency then in charge of inventory and tracking assets like this.

He then addresses the obligations of compensation for trades, swaps, and sales between bureaus with clear distinctions in title. He references the City Attorney's opinion from 3-9-90 and certain other City Attorney opinion documents providing further clarity.

Attached is a copy of an early Park deed representative of the donors conditions stating that they would convey only if future use was limited to Park use. This typical restriction represents why the PWB and BDS do not wish to research individual deeds.

Certain City bureaus and staff have actively attempted to blur any distinctions between types of ownership and refused to reinstate those 51 individual parcels in the park.

As I explained briefly in my e mail, PWB has an application to work in the park at this time, and they also will not do the deed research if it does not serve their interests.

Certainly excavating then installing a 48" pipe for 850 linear feet most of which is not on PWB parcels could not be considered Park use. PPR could issue a non park use permit, but by definition it would be for non park use.

Regardless of whether it may be considered as a political cure all for this pipe, it is not a park use, so a violation of any deed restricting use to park use. *In order to find deeds with conditions, encumbrances, or restrictions, one must actually look for them.*

Further, this proposed work amounts to a permanent and perpetual easement as much as 35' wide across parcels not owned by PWB that will enable PWB to in future return to perform maintenance, replacement, repairs etc... at any time with no further application through BDS or public notice required. This is simply a taking without compensation as it stands.

BDS would require of any applicant such as myself for a type 3 land use review, documents in evidence of clear and unambiguous title before BDS would accept the application for processing and review. These would be title reports and deeds as required for each individual parcel.

BDS is providing illegal cover for PWB as applicant while allowing this to go forward without compliance with these requirements. They fully understand the legal issues described herein, and are making a special exception for this applicant. The application should never have been accepted for review.

BDS has waived that requirement based on the verbal assurance from the applicant that the "City" owns all of the land. My attempts to explain these errors and distinctions to staff and the Director have fallen on deaf ears. BDS while responsible for assuring the public that the application is compliant with their own rules, is actively participating in advancing this application for acceptance.

The deed research can and should be completed as this situation arises time after time in one form or another. I have also attached a research list of deeds already completed by Dan Coombs to demonstrate that it can be accomplished.

The County has recently restricted citizens from doing their own deed research responsive to our active work attempting to do so as a result of PPR trying to sell the maintenance yard to Warner Pacific in 2006, and PPS selling off 35 "public" properties over the past 14 years.. They have put a barrier between our research and the actual documents to the tune of \$65 / hour plus copy fees and a charge of \$3.75 per parcel, for staff to do what we were doing on our own time at no cost. This was not just a budget consequence as they represent. This was a concerted effort to stop citizens from researching, then finding deed with restrictions Council and staff wish to ignore.

I know you weren't here in 2006, but I along with 2 other women found the document that clearly outlined the intended sale of 8.25 acres of the Park, which Council staff, PPR, and Warner Pacific all conspired to misinform us about. Fortunately we found this agreement the week before the sale was scheduled to close. This again is a demonstration of just how far certain people will go to circumvent the rules.

Former Council member and Parks commissioner Jim Francesconi provided legal representation for the buyers at Warner Pacific, negotiating with his old staff at PPR. Their desired goal was to accomplish the demolition of the historic listed assets at the maintenance yard so the buyer could build a sports field and facility.

X

One more reason why this is important; In a nonconforming use situation like the one in the park, as demonstrated in the above example, additional improvements to existing ones are restricted to that parcel on which they sit.

If all 51 parcels are consolidated, then that aspect of the code disappears making it convenient for PWB and BDS to approve the proposed work. The code interpretation may be very different if the parcels were reinstated and requirements of compliance met.

I'd like to see that issue corrected so that we do not have to continually fight with City Hall and Bureau staff in spite of them knowing they are approving something in error. The individual parcels should be reinstated and the applications reflect the consequences of that as it should have from the start.

The example I supplied you was the attempted land swap between McCalls and a portion of the Mt Tabor maintenance yard by Randy Leonard and Nick Fish. Of course this was approved with "guidance" from the City Attorney, then undone by order of the court, so their opinions are also suspect.

Both Council members were aware of the title issues and I personally handed both the information and map. One was in charge of BDS and the other Parks and Water. That did not stop them from disregarding their own responsibilities and bureau rules.

Now we have the BDS working with PWB to circumvent the title issues, ignore the application and code requirements, in this particular ongoing application when they know what they approve is wrong.

Thank you for your consideration.

Mark Bartlett

Cc Paul Scarlet

Cc Drummond Khan

Cc Fred Miller

Cc Brian Hoop



Combs, Dan

From: Combs, Dan  
 Sent: Thursday, 03 October, 2002 16:57  
 To: Kessler, Dennis  
 Cc: Nelson, Brenda; Warren, Thom; Doane, Jim; Spetter, Ruth;  
 'Kathryn.L.Mallon@us.mwhglobal.com'  
 Subject: Water Bureau Ownership at Mt. Tabor

Dennis;

This is a bit long, but I've tried to categorize with immediate functional project items at the beginning, and more complex (esoteric) issues at the bottom.

#### 1. WATER/PARKS LAND EXCHANGE SITES.

Yesterday (Oct. 2) I talked with Kathryn Mallon about the potential for land exchange arrangements between Water and Parks, in reaction to Water's future project activities displacing Parks' operations at their Mt. Tabor facility. I will be providing her with more data on individual Water-owned parcels by separate email. There are a few potential sites for at least short-term occupation by Parks, such as the former Hazelwood Water District property at 1017 NE 117th Ave. (please be clear this could NOT include the building, which is already fully utilized by Water, but only the open grassy area to the North), or possibly a portion of the presently vacant area of the Ground Water Pump Station site (16400 NE Airport Way). Other alternatives mentioned include part of the Interstate site, Lusted Hill (not the Plant site, but the potential future treatment/filtration site off Dodge Park Blvd., which Parks gave up their lease on and vacated a couple of years ago), Powell Butte (assuming compliance with the latest Council-approved Conditional Use Master Plan), and some even less likely candidates. Kelly Butte also comes to mind; both Water's large vacant parcels, and the old "911" facility owned by BGS. (This probably belongs in the "less likely" category, but worth investigating). If you have a list of candidate sites please let me know.

#### 2. MAPPING WATER'S LEGAL PARCEL BOUNDARIES.

I also talked with Kathryn about the legal boundaries between Parks and Water properties on Mt. Tabor. There apparently is still not certainty over what parts of the total area are owned by Parks, and what is owned by Water. To help define the legal parcel boundaries owned independently by the two Bureaus, I am forwarding to you 2 copies of maps and other documents which clearly outline Water's ownership on Mt. Tabor. These are in your slot of the 5th-floor mail cart. You can forward these on to Brenda and/or Kathryn. These maps are:  
 (a) Large (24" x 34") general overview of Mt. Tabor, with heavy lines indicating the Water Bureau's outer property boundaries. This is based on the same digital data used to create the other map products provided recently by Thom Warren. For clarity, the data has been filtered to leave only what helps the viewer orient the property boundaries to the overall site.

(b) Copy of Water Bureau "General Plans" map "3-B-6" dated 03-24-1959. This map is an older rendition of the Water Bureau's outer property boundaries. In addition, this 1959 map shows the individual parcels originally purchased by Water (in lighter lines), and the "City Auditor's Deed Number" for each acquisition deed. These deeds, and relevant County Surveys of Record for the vicinity, are the basis of Water's boundary lines shown in the most recent mapping products Thom has provided for the project. Note this map also shows the parcels and Deed Numbers for the Park Bureau parcels, existing and vacated public street rights-of-way, and roadway improvements in the overall Mt. Tabor park area, all as of 1959 or earlier.

(c) Partition Plat No. 1997-85, which was created by Water as part of the sale of Water's property along SE Division. "Parcel 2" of the Plat is owned by Water but has been occupied by Parks for many years (more on that further below).

(d) "Proposed Minor Land Division - Tentative Site Plan" dated 01/24/1997 is a detailed survey of the area ultimately referred to as Partition Plat No. 1997-85. The value of this map is that it shows the future street reserve required by conditions of approval of the Partition Plat. These conditions are within City of Portland Case File LUR 96-00 748 MP as referenced in the Plat. The future street reserve provides for the extension of SE 64th Avenue between SE Sherman and Division Streets. This reserve is a 40-ft. wide strip which is the most western 40-feet of Parcel 2. Any future development of Parcel 2 by either Parks, Water or some other future owner would trigger the street right-of-way dedication requirement of LUR 96-00 748 MP.

(e) Water's Design Inc. printed on 03/07/2002. This map clearly delineates the boundaries of Partition Plat No. 1997-85 "Parcel 1" and "Parcel 2" boundaries. From this map it can be seen the extent of Parks' use of Water's parcel. The east line of Parcel 2 (east boundary of Water's property) runs through Parks' more eastern building closest to SE Division.

(f) Two copies of the County Assessor's data on Parcel 2 of Partition Plat No. 1997-85, as of today (10/03/2002). This is County Taxlot Account No. 1s2e05cc 8702. The County data shows the property as owned by the Bureau of Water Works, in accord with Partition Plat No. 1997-85. The inset maps show current zoning designations, building footprints, and some underground water & sewer line info (some more accurate utility details are also available in Water's mapping data).

I hope all the above helps define what Water does (and does not) own at Mt. Tabor. See Thom or myself for more info if needed.

### 3. MORE ON PARKS' USE OF "PARCEL 2" AND OTHER WATER BUREAU LAND AT MT. TABOR.

The parcel owned by Water on the North side of SE Division at SE 64th Ave. is what remains from the larger parcel originally purchased by Water for the "Reservoir 2" site at SE 60th & Division eastward. Most of that original parcel was sold to the developers of the "Courtyard Plaza" complex. As noted above, the remaining portion ("Parcel 2" of Partition Plat No. 1997-85) is owned by Water but used by Parks as part of their facility. I am not aware of any written agreement between Water and Parks for Parks' use of the Water Bureau property on Mt. Tabor, either for this particular parcel or for the overall Mt. Tabor area. Neither has Parks ever provided me with a copy of such a document. It's possible there was and is an agreement somewhere in the City's files, and I have just never been able to find it. If you know of such an agreement, please let me know. The absence of an agreement raises some interesting questions, issues, concerns and opportunities.

### 4. PROJECT APPROACH TO MT. TABOR PARCEL OWNERSHIP.

Besides the simple question of each Bureau's boundaries being properly mapped, I came away from my discussion with Kathryn with an impression the general approach towards parcel ownership on Mt. Tabor, so far as related to Water's project needs, is not fully inclusive of the unique nature of the property rights involved in Water Fund vs. City General Fund land title authorities and obligations. On Mt. Tabor (and other sites as well, including Washington Park) there are two distinct classes of parcels, with two distinct parties of ownership. The "General Fund owners" (Portland's citizens, taxpayers) are a separate entity from the "Water Fund owners" (Water Bureau ratepayers - including wholesale customers, and Water Fund bond/debt holders). Recognition of these two different ownership categories should underlie any discussion regarding the use and disposition of any Water Fund and/or General Fund assets on Mt. Tabor, in order for decisions made to be legally appropriate and allowable under City Charter and related limitations.

### 5. SOURCE AND BASIS OF WATER'S PARCELS ON MT. TABOR.

The Water Bureau's parcel ownership's originate from individual purchases (mostly from private parties), for the sole purpose of future water reservoir construction. All these parcels were obtained (as far as can be inferred from the records at hand) without consideration towards the use of any Water property on Mt. Tabor for public park purposes. Likewise, all the parcels currently owned by Parks are separate legal acquisitions made by Parks specifically and solely for public park purposes, having nothing to do with use of any Park property for Water purposes. As a result, there is no "co-mingling" of parcel ownership's on Mt. Tabor. Any impression of one indivisible City ownership is a misconception, due in part to previous County Assessor's accounting practices, reflected also in the "graphical index" to the accounting data (the Assessor's maps), the practice of such "accounting shortcuts" (taxlot consolidation at the whim of the Assessor) for individual legal land parcels now prohibited by Oregon Statutes. Due to the County Assessor's historic practice of "consolidating" legally separate and unique tax lots and parcels under one "taxlot account" for assessment and taxation purposes, the County Assessor's data currently available does not reflect the original unique legal parcels within the larger "consolidated taxlot" of City ownership on Mt. Tabor. This is only due to the historic results of the Assessor's now prohibited accounting process being still reflected in the Assessor's mapping products. The Assessor's maps are NOT necessarily a complete, correct or reliable legal source for property ownership data at the individual parcel level (as states the County's disclaimer on their maps, in different words). The County's Deed Records are the preferred source of exact parcel ownership data. The Water Bureau's property ownership maps are based on Deed Records data. An examination and analysis of each deed for the acquisition of Water Bureau property on Mt. Tabor was conducted as part of creating Water's property ownership maps.

### 6. CITY CHARTER PROVISIONS SEGREGATING WATER FUND ASSETS INCLUDES LAND PARCELS.

Water's current project needs to address this "parcel ownership" issue because use of real property owned by the

11. which reads:

"Section 11-104. Funds.

After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund.

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund.

After deducting sinking fund requirements, operating expenses of the water works and plant and the Water Bureau, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the Council may transfer any excess in the Water Fund to the Water Construction Fund.

The Council may make transfers between funds in the Water Bureau, but the funds and accounts of the Water Bureau relating to water plant and works shall be separate from other accounts and funds of the City and treated as a separate municipal operation. The Council may impose charges it finds equitable upon the operation of the water system for municipal services of other departments, Bureaus and officers, and may impose fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not be transferred to the General Fund of the City, nor to special funds unrelated to the water works, water system and the sinking funds for water bond debt service. [New sec. Nov. 8, 1966.]"

In examining whether an expenditure of Water Bureau Funds in support of a General Fund bureau, or the use of a Water Bureau asset by a General Fund bureau, would be appropriate, under chapter 11 of the City Charter, the City Attorney's Office has determined that the proper test is a determination of whether the proposed expenditure can be said to be "related to the water works, water system and the sinking funds for water bond debt service."

The City Attorney's Office has found several times over the years that it is not legally proper to transfer a Water Bureau capital asset to a General Fund bureau when payment by the General Fund to the Water Fund is less than the market value of the asset. (City Attorney Opinion 81-44, 82-150, 88-165, other City documents.) The City Attorney has determined: "The phrase "accounts relating to water plant and works" is reasonably read to include the capital "accounts" of the Water Bureau. Otherwise, through the transfer of capital assets, the Charter's purpose to protect the ratepayer investment in Water Bureau plant and works could be evaded." (Memorandum of March 9, 1990 from Jeffrey L. Rogers, City Attorney to Mayor Bud Clark and Commissioners Lindberg and Bogle.)

What the above means in short is that Parks cannot use a Water Fund property for any purpose, and neither can Water Funds be used in support of a Park purpose, without "market value" compensation to the Water Fund in some form. The City Attorney has stated: "Fair market value is best determined by a current appraisal or by an arms length negotiation... Since City Council ultimately manages both the General Fund and the Water Funds, Council must take care that the amount transferred between funds is legally defensible as reasonably reflecting fair market value." (Memorandum of March 9, 1990 as above.)

In relation to an expenditure of Water Bureau Funds or use of Water Fund Assets for Park Bureau purposes, it might be maintained by Parks or others that there exist past arrangements between Water and private parties, that create a precedent for certain arrangements between Parks and Water. Namely, in the acquisition of private property for Water Bureau purposes, the Water Bureau might properly pay to remove encumbrances from the property when necessary to make the property available for Water's purposes. This would apply in the case of encumbrances such as a restrictive easement within property the Bureau desired to purchase, or possibly a site condition which needed to be dealt with as part of the transaction (payment for demolition of a building, or for the value of timber which would be removed during construction, are examples). The assumption is that Water would be willing to provide payment or compensation of some sort to remove an existing problem, so that the site could then be more fully used for Water Bureau purposes. The City Attorney's Office has confirmed such an expenditure appears to fit the "related to" test that Office has set out for appropriate Water Bureau Fund expenditures. The answer is qualified however: The expenditure must be "reasonable". Using Water Bureau assets or funds to provide a new or replacement site or building for Park purposes, would likely not be a reasonable expenditure under the "related to test" - unless the Water Fund received "market value" compensation in exchange. Since at Mt. Tabor this would probably involve property already owned by Water, that Parks has been using without providing "market value" compensation to Water in exchange (and that "market value" determined under the City Attorney's restrictive interpretation), proposing that Water would compensate Parks for the right to use property already owned by Water may be contrary to the City Charter.

## 7. RECOMMENDED ACTIONS.

4  
potential assistance to Parks in relocating Parks' operations from Mt. Tabor, should (1) recognize and legally account for Water's existing valid and enforceable property rights on Mt. Tabor which are distinct from Parks and City General Fund property rights; and (2) recognize and legally account for "market value" exchanges required between Parks and Water for use of the land parcel(s) by those Bureaus. It's suggested the ownership's be examined in similar detail at Washington Park. There are opportunities to resolve some long-standing discrepancies in ownership as compared to use at both these major Water/Parks areas, and a consolidated approach to dealing with both at the same time is possibly best for all concerned.

I suggest no decisions or commitments regarding the disposition of Water Fund properties in relation to the project be made without a full review by the City Attorney. Ruth Spetter has worked previously in this area and she is copied. Thanks for the opportunity to comment.





DEED BOOK 727 PAGE 8

Henry Freeborough and Rose L  
Freeborough, his wife

to

The City of Portland  
a municipal corporation

) WD

) DB 727 Page 8

) Dd 5/25/11

) Rcd 10/21/16

) Consideration \$1.00 etc.

GBSC\* \* \* all the fdrp in the CPMGOSO

All of the S 25' of lt 4 blk "W" in Tabor Heights as per plat.

Covenant\* \* free from all liens and incumbrances,\* \* \* by  
through or under them, shall warrant and forever defend\* \* \*

This conveyance is made upon the condition that sd real ppty be used  
for park purposes other than zoological and upon the condition that that  
portion of the park in the vicinity of blk "W" be improved with a driveway  
as shown upon the attached blue print, and upon the further condition that  
as long as the remaining part of sd lt 4 blk W is used for a private residence,  
the owners thereof and their agents shall at all times have ingress and egress  
to and from sd ppty over sd driveway & for all domestic purposes, including  
foot traffic and vehicles, and the owners of sd ppty shall have the right  
to construct and use driveways and walks connecting with sd park driveway  
as shown on the blue print above referred to. In the event of the City  
of Portland failing to use sd ppty as above specified the same shall revert  
to the grantors herein.

Sep 13, 1916 Accepted by the City Council by Ordinance No 32116

A L Barbur, Auditor of the City of Portland By E.W. Jones, Deputy

SS

ACK in State of Washing County of Pacific.

-oOo-



# Auditor Deed No's.

			DATE	ord N <sup>o</sup>	Amount	Fund			
							= 354 Feb 23 1892		
* *	✓ 279	1883			12,000 <sup>00</sup>	W. T. & Co. Comm. Co.	\$3124		
* *	289	Jan 24 1894			1,000 <sup>00</sup>	SEE # 6477	GROVE WATER		
* *	✓ 297	Aug 21 1896			100 <sup>00</sup>	City Portland			
* *	355	1907			25,000 <sup>00</sup>	MT Tabor Water Board	** must have first		
	374	2/20/08			9,618 <sup>75</sup>	LOT 2 MT Tabor	* especially needed		
	395	Oct 4/12			2,500	SEB W. Hooker			
	500	Oct 21/16			1 <sup>00</sup>	25' of Lot 5 & all B MT Tabor	DATE	ord N <sup>o</sup>	Amount
	501	same			1 <sup>00</sup>	325' of Lot 4 & all B MT Tabor			Fund
	502	same			1 <sup>00</sup>	325' of Lot 122	601	MAY 14, 1903	3750 <sup>00</sup>
	503	same			1 <sup>00</sup>	325' of Lot 6	602	same	4300 <sup>00</sup>
	574	MAY 14, 15			1 <sup>00</sup>	Ord 30432 RIC 587 Pg 367	603	JUNE 3 1903	5500 <sup>00</sup>
	579	March 10 <sup>th</sup> 1919			1 <sup>00</sup>	Exemption for the on Linton	605	MAY 23 1905	10 <sup>00</sup>
*	589	Sept 22 1908			5000 <sup>00</sup>	City of Portland RIC 472 Pg 86	606	JULY 21 1903	6800 <sup>00</sup>
* *	590	Feb 20 1909			\$33,500	To City of Portland RIC 456 Pg 280	607	JULY 19 1903	6832 <sup>00</sup>
* *	591	MAY 4 1909			37,500 <sup>00</sup>	RIC 404 Pg 306	Water Comm. file N <sup>o</sup>		
	592	MAY 2 1909			10,000	DD Petyann Land claim Fred Vail RIC 453 Pg 303	608	Aug 1909	17,192 <sup>00</sup>
	593	April 30 1909			3200 <sup>00</sup>	LOT 12 MT Tabor RIC 443 Pg 224	610	Sept 11 1909	3700 <sup>00</sup>
* *	594	MAY 1 1909			1750 <sup>00</sup>	RIC 443 Pg 201	613	Aug 20 1909	9648 <sup>75</sup>
* *	595	MAY 1 1909			15,000 <sup>00</sup>	City of Portland RIC 443 Pg 324	614	OCT 8 1909	750 <sup>00</sup>
	596	April 19 <sup>th</sup> 1909			8,210 <sup>00</sup>	Lot 14 - 17 Belmont RIC 443 Pg 302	615	OCT 12 1909	750 <sup>00</sup>
	597	MAY 6 1909			21,500	City of Portland RIC 443 Pg 157	616	Nov 22 1909	5460 <sup>00</sup>
* *	598	MAY 8 1909			12,200 <sup>00</sup>	City of Portland RIC 443 Pg 157	618	Feb 12 1910	10250 <sup>00</sup>
	599	MAY 16 1909			23,600 <sup>00</sup>	City of Portland RIC 443 Pg 325	619	April 11 1910	14,502 <sup>00</sup>
							620	Aug 3 1910	14,500 <sup>00</sup>

12  
ORDINANCE Feb 1957 105389 200<sup>00</sup> Public Property in UTTERSTROM Hgts

Auditor Deed No's.

must have first \*\*  
especially needed \*

	DATE ORD NO	AMOUNT	FUND.
1544	Oct 21 1916	1 <sup>00</sup>	LIT W mt Tabor BIC 719 Pg 337 city of Portland
* 1639	Nov 2 1922	10 <sup>00</sup>	BIC 900 Pg 403
* 2500	Sept 20 1927	1350 <sup>00</sup>	BIC 1116 Pg 175
* 2528	Jan 26 1928 Court order of Sale April 29 1928 Jan 23 1929	400 <sup>00</sup>	SEE #3550 BIC 1119 Pg 460 city of Portla. BIC 1119 Pg 462
* 2623	Jan 26 1935	1000 <sup>00</sup>	BIC 1168 Pg 310
* 2904	Feb 16, 1910	950 <sup>00</sup>	BIC 211 Pg 455
6475		Judgement	LOT 13 mt Tabor Parks BIC Pg LOT 13 mt Tabor
6476	Jan 17 1910 March 1928	15,500 <sup>00</sup>	
* 6477	Court Award M 6290	\$361.80	for PROPERTY (SEE 15 2E)
6643	Nov 29 1930		STATION 44 ALTRA 200 BIC 143 Pg 301 Parks LIT 11 UTTERSTROM BIC 1830 Pg 252
6860	Feb 21 1957	222 <sup>50</sup>	
* 6987	July 25 1958 F 108356	22 <sup>00</sup> -	GENERAL BIC 1908 Pg 421
9003	DEC 16 1939	SHERRIFFS SALE	Parks -



# WATER BUREAU

FROM FOREST TO FAUCET

David S. Smith, Administrator

1120 SW 5th Avenue, Room 600  
Portland, Oregon 97204-1926  
Information: 503-823-7404  
[www.portlandonline.com/water](http://www.portlandonline.com/water)



An Equal Opportunity Employer

August 28, 2008

## Memorandum

To: Maija Spencer, Portland Parks & Recreation,  
Mt. Tabor Central Yard & Nursery Planning Group (MTCY&PG)

From: Mike Stuhr, P.E., Chief Engineer, PWB *MS*

Subject: Mt. Tabor Central Yard & Nursery Property Issues

The Portland Water Bureau (PWB) appreciates the feedback from Portland Parks and Recreation (PP&R) regarding our earlier memo dated June 16<sup>th</sup>. PWB understands the concerns regarding ownership of the land on which any proposed PP&R maintenance facilities would be constructed, and is willing to trade ownership of equal sized parcels of land to accommodate your request.

Therefore, PWB is proposing to deed the ownership of the approximate 1.8 acre parcel immediately adjacent to Division Street, also known as Parcel 2, in exchange for the following:

1. Ownership of an approximately similar sized parcel in the adjacent area just north of the existing greenhouses, also known as the "upper nursery", and as shown in the attached figure. PWB would allow PP&R its continued use of this parcel as a nursery area, until it is needed by PWB for nearby construction purposes. During periods of nearby construction, PWB would convert this parcel to a temporary construction staging and storage yard. At the close of each such use by PWB, the land would then be restored by PWB to its prior, pre-construction state, and the use of the land would be returned to PP&R.
2. Prior to the land ownership exchange described in item #1, PWB would dedicate the 50-foot wide, west most portion of Parcel 2 to PDOT as public right-of-way, and reserve a perpetual utility easement in said right-of-way.

We are confident that together, we can come to an agreement on an equitable land exchange which will benefit both Bureaus and, most importantly, the citizens of Portland. We look forward to working with you.

Subj: [Fwd: Mt Tabor Property ownership]  
Date: 6/13/2007 10:12:07 PM Pacific Daylight Time  
From: [mbart@pacifier.com](mailto:mbart@pacifier.com)  
To: [cag@easystreet.com](mailto:cag@easystreet.com), [Shannonmloch@aol.com](mailto:Shannonmloch@aol.com), [jonah@paisnerlaw.com](mailto:jonah@paisnerlaw.com)

FYI.

This answer is critical to our mediation. No one seems to get this or they don't want to dig in and provide a definitive answer.

Mark

Return-Path: <[mcollentine@water.ci.portland.or.us](mailto:mcollentine@water.ci.portland.or.us)>  
X-Spam-Virus: No  
X-Spam-Checker-Version: SpamAssassin 3.1.7 (2006-10-05) on spamd5.pacifier.net  
X-Spam-Level:  
X-Spam-Status: No, score=0.0 required=10.0 tests=DK\_POLICY\_SIGNSOME, HTML\_MESSAGE autolearn=disabled version=3.1.7  
X-Original-To: [mbart@pacifier.com](mailto:mbart@pacifier.com)  
Delivered-To: [mbart.pacifier.com@mx9.pacifier.net](mailto:mbart.pacifier.com@mx9.pacifier.net)  
Received: from mail2.ci.portland.or.us (mail2.ci.portland.or.us [206.190.139.52])  
by mx9.pacifier.net (Postfix) with ESMTP id 2D6657F47  
for <[mbart@pacifier.com](mailto:mbart@pacifier.com)>; Tue, 12 Jun 2007 17:32:11 -0700 (PDT)  
Received: by city06.bit.city with Internet Mail Service (5.5.2655.55)  
id <MZ3RRPKQ>; Tue, 12 Jun 2007 17:32:10 -0700  
Message-ID: <7EF5BBDCF35CD944A9FDB06AB82AF39902FF7F59@CITYEMAIL2>  
From: "Collentine, Mary Ellen" <[mcollentine@water.ci.portland.or.us](mailto:mcollentine@water.ci.portland.or.us)>  
To: 'mbart' <[mbart@pacifier.com](mailto:mbart@pacifier.com)>  
Cc: "Klutz, Tom" <[tklutz@water.ci.portland.or.us](mailto:tklutz@water.ci.portland.or.us)>  
Subject: RE: Mt Tabor Property ownership  
Date: Tue, 12 Jun 2007 17:32:10 -0700  
MIME-Version: 1.0  
X-Mailer: Internet Mail Service (5.5.2655.55)  
Content-Type: multipart/alternative;  
boundary="\_\_\_\_=NextPart\_001\_01C7AD52.477F3130"  
X-Mozilla-Status2: 00000000

Hi Mark,

We do have some ownership information on the Parks Yard, but we don't have detailed information on all the parcels we have acquired at Mt. Tabor. Our retired property manager, Dan Combs, sent me the following information.

"Some of those original underlying parcels HAVE been clearly documented as being purchased by the Water Committee. One of those is the parcel originally purchased by the Committee that was the site of Reservoir 2 (now the retirement housing development) and also was the site of both Water's and Parks' maintenance facilities and storage yards to the east of Reservoir 2 (no longer used by Water but still used by Parks). So if the immediate question is: "Does Water own some of the land under the Park Bureau's facility on the north side of SE Division?" then the answer is YES. There is NO doubt in the deed records as to that fact (and Parks has had the documentation of that fact for many, many years - since the land division that created the eastern boundary of the retirement development, if not even before). Water doesn't own all of the land under the Parks facilities, but only some of it. There are several maps and a few legal surveys, including the materials you are aware of, that clearly show the boundary."

Dan also writes:

"Despite 20+ years of keeping a sharp lookout for one, I have never found any sign of the existence of a formal written agreement between Water and Parks, that approved use of the Water property at Mt. Tabor by Parks.

2

That doesn't mean such an agreement doesn't exist, it means if it does exist it isn't filed or indexed in a place that a person would logically look for it. It might be buried somewhere in the old Water Committee meeting minutes, like the agreement for Parks' use of Washington Park. That "agreement" is a single sentence in the minutes of a meeting where the Committee simply agrees it is acceptable for the city to use the property for park purposes. There is no mention of any terms, conditions, or any other details. There might be a similar approval somewhere in those minutes for the land at Mt. Tabor. There might be more recent and more formal arrangements I have not come across."

I would be happy to arrange a meeting with Dan if you want to see what records we do have. However, Dan will retire a second time on July 11th after finishing up some special projects for us, so if you do want to speak with him, it would need to be arranged very soon.

You have asked some property management type questions that I need to refer to our current Property Manager, Tom Klutz. Since I don't have your phone number, I need to ask that you call him for additional information. He can be reached at 503 823-7503.

Regards,

Mary Ellen Collentine

-----Original Message-----

**From:** mbart [mailto:mbart@pacifier.com]  
**Sent:** Monday, June 11, 2007 4:37 PM  
**To:** Collentine, Mary Ellen  
**Subject:** Re: Mt Tabor Property ownership

Mary Ellen,

Hi. I was following up to see how the search was going.

I think the city should pursue ownership because it matters to the taxpayer very much. As I mentioned earlier, IF BWV owns the entire Parks as the assessor says, the issue of Warner Pacific and the reason PP&R may consider selling has disappeared. They would not benefit if the net proceeds are to go back to the rate payers, as would be the case for BWV.

It may take some time, but there is going to be a recorded document for each parcel whether donated, sold, or transferred in any fashion to the park from the start. There will be a traceable record.

I'd also like to understand the relationship between PP&R and BWV at this property. Do they pay rents? or is there some arrangement between them as far as compensation for using this property?

As you know we are mediating with PP&R about the future of the use at Mt Tabor for the Yard and Nursery. Are we mediating with the correct bureau? I hope so, but until that time we have a definitive ownership resolution, how would we know. That it belongs to the COP is not an adequate answer. I hope you are still researching this and can help us answer this question soon.

Thank you,  
Mark

"Collentine, Mary Ellen" wrote:

Hi Mark,

Understanding which Bureau "owns" the property at Mt Tabor is not readily answerable. The short (and easy) answer is that it is all under City ownership. At one time city parks were under the supervision of the Water Board. Reservoirs 1, 2, 3 and 4 were built in 1894, when there was no Water Bureau, but a separate entity formed specifically to bring Bull Run water to Portland (The Water Committee, which turned into the Water Board). The state of Oregon passed a law in 1899 providing for acquisition of park land by boards of park commissioners for each city over 3000 in population. City of Portland voters passed an act approving this. The Board of Park Commissioners was formed in 1900, consisting of the Mayor, City Engineer, Auditor, and 5 citizens and "control over parklands was officially passed over from

Thursday, June 14, 2007 America Online: Shannonmloch

the Water Board to the new Park Board". The Park Board commissioned the Olmstead Brothers to develop a report in 1903 on how best to establish a park system in Portland, and Mt Tabor Park is mentioned in this report. A bond measure was passed in 1907 to fund the Olmsted Plan for Parks, similar to the City Beautiful movement happening nationally. An Olmstead like plan was created for Mt. Tabor Park around 1908 by Parks Superintendent Mische, a former employee of the Olmsteads and a landscape architect, but it was never fully implemented. Reservoirs 5 and 6 were constructed in 1911 at Mt. Tabor.

The Park Board was dissolved when the city changed to a commission form of government by charter referendum, around 1913. Eventually the city took over operations of the water system, and the Water Bureau was formed, around 1915. Most of the deeds that we have convey to "City", and not to a Bureau, because there were no Bureaus at the time. A title search would come up with the same information that our property manager found, since it is all owned by the City of Portland and typically title companies only look at ownership. It would take cross referencing deed conveyances with water committee/water board/parks board/council minutes to try and parse out which bureau/board/committee the property was being conveyed to, a daunting and time consuming task. With such a long history there most likely were decisions made 100 + years ago that may or may not have documentation we can find.

Good luck with your search.

Mary Ellen

-----Original Message-----

**From:** mbart [<mailto:mbart@pacifier.com>]

**Sent:** Tuesday, May 08, 2007 2:16 PM

**To:** Collentine, Mary Ellen

**Subject:** Re: Mt Tabor Property ownership

Hi Mary,

Thanks for responding. Did you ask a title company to do a search? With the many additions early, there must be a paper trail created as they would have had to name to whom they were selling or donating the property. Deeds must exist for a transfer.

Also we have the RFP for the Maint Facility Plan which divides it, down to the square foot??? Wonder where they got that?

There will be a trail, however long it takes. The assessor says all of it is Water, as of Nov 15 06.

Keep me posted if you would.

Thank you,

Mark

"Collentine, Mary Ellen" wrote:

Try again, last one bounced.

-----Original Message-----

**From:** Collentine, Mary Ellen

**Sent:** Tuesday, May 08, 2007 10:08 AM

**To:** 'mbart@pacifer.com'

**Cc:** Elliott, Teresa; Combs, Dan

**Subject:** Mt Tabor Property ownership

Hi Mark,



x

I hope I heard your email address correctly. We do not have a title search for the property at Mt. Tabor. We have a drawing from around 1959 that shows property lines between Water and Parks as it was understood at that time. The drawing is numbered 3-B-C and is in our records. Since then, our Survey Section has done work to try and match county tax lot numbers with deeds. Unfortunately, many of the deeds only convey to the "City", and don't say which Bureau. The only way to find out which Bureau the property was conveyed to involves actually going back and researching council minutes, board minutes, etc, an arduous task which we have not undertaken. However, I could arrange a meeting with our retired Survey/Property Manager who was involved in all of this if you wish. I will be heading out on vacation later this week, and won't be returning to work until June 4. I could coordinate a meeting after I return. Let me know if this is of interest to you.

Regards,

Mary Ellen Collentine, P.E.  
Principal Engineer  
Portland Water Bureau  
1120 SW 5th Avenue  
Portland, Or 97204  
phone 503-823-7474  
fax 503-823-4500  
cell 503 706-3971

5

MEMORANDUM

ORDINANCE #18671:

December 23, 1908

Authorizing the Water Board to purchase certain property.

ORDINANCE #18742:

January 13, 1909

Authorizing the Water Board to purchase certain property.

ORDINANCE #18914:

February 3, 1909

To amend Section 1 of Ordinance No. 18671, entitled "An Ordinance authorizing the Water Board to purchase certain property."

ORDINANCE #19023:

February 24, 1909

To amend Section 2 of Ordinance No. 18671, entitled, "An Ordinance authorizing the Water Board to purchase certain property."

ORDINANCE #19262:

April 17, 1909

Authorizing the Water Board to purchase certain property in the Hosford Tract.

ORDINANCE #19272:

*online*

April 28, 1909

\* Authorizing the purchase of property for park purposes on Mount Tabor.

ORDINANCE #19346:

April 28, 1909

Authorizing the Water Board to purchase certain property.

ORDINANCE #19446:

*online*

May 26, 1909

\* Authorizing the purchase of property for Park purposes on Mount Tabor.

ORDINANCE #19528:

*online*

June 13, 1909

\* Authorizing the purchase of property for Park purposes on Mount Tabor.

ORDINANCE #19972:

*online*

September 8, 1909

\* Authorizing the Mayor and Auditor to purchase Lot 11, Mt. Tabor Park, for park purposes, at a price exceeding the amount heretofore authorized under the provisions of Ordinance No. 19272.

M E M O R A N D U M

ORDINANCE #20569:

January 12, 1910

Making an appropriation out of the Water Fund.

ORDINANCE #20637:

January 12, 1910

*online*  
Drawing of warrants upon the Park and Boulevard Fund in payment of the amount of damages assessed by the jury in the matter of the appropriation of certain real property for park purposes.

ORDINANCE #20639: ✓

January 12, 1910

\* Authorizing and directing the Mayor and Auditor to draw a warrant on the Park and Boulevard Fund in payment of the amount of damages assessed by the jury on account of the appropriation of certain real property for park purposes.

ORDINANCE #20710: ✓

January 26, 1910

\* Authorizing drawing of warrants on Park and Boulevard Fund for condemnation proceedings of Mount Tabor land.

ORDINANCE #20769: ✓

February 11, 1910

\* Authorizing the acquisition by purchase or condemnation of certain real property on Mount Tabor for Park purposes.

ORDINANCE #20775: ✓

February 11, 1910

\* Authorizing and directing the Mayor and Auditor to draw warrants on the Park and Boulevard Fund in payment of the amount of damages assessed by the Jury on account of the appropriation of certain real property for park purposes.

ORDINANCE #20798: ✓

February 23, 1910

\* Authorizing the Mayor and Auditor to draw warrants on the Park and Boulevard Fund.

ORDINANCE #23727:

July 24, 1911

Vacation of that part of East Clay Street lying east of the east line of East Sixtieth Street and west of the west line of Lot Nine (9) Hosford.

ORDINANCE #24424: ✓

December 11, 1911

\* Vacating certain streets in Mount Tabor Park in the City of Portland, Oregon.



4  
✓ Lots (B) and (E), Mt. Tabor Park, owned by Frank E. Thayer,  
at a price not to exceed \$5,460.00 for the entire tract;

✓ Lots 16, 18 and 19, Belmont Park, owned by Heirs of  
Amanda W. Reed, at a price not to exceed \$17,192.00 for the  
entire tract;

✓ Lot J, Belmont Villa, owned by P. S. and Florence M. Han-  
sen, at a price not to exceed \$3,000.00 for the entire tract;

✓ Lots F and G, Belmont Villa, owned by John Sommerville,  
at a price not to exceed \$5,550.00 for the entire tract;

✓ Portion of Lot Y, Tabor Heights, owned by Lulu W. Bolton,  
at a price not to exceed \$750.00 for the entire tract;

✓ Lot 12, Mt. Tabor Park, owned by Fred Wiedermann, at a  
price not to exceed \$3,200.00 for the entire tract.

Section 2. Whereas there is an immediate necessity that  
this ordinance shall take effect upon its approval by the Mayor  
an emergency is hereby declared and said ordinance is hereby  
declared to be necessary for the immediate preservation of the  
health, peace and safety of the people of the City of Portland  
for the following reasons: That only one location is avail-  
able for Park purposes in this neighborhood and the opportunity  
is now afforded to secure said location and if this opportunity  
is not embraced the City is liable to lose a considerable amount  
of money in acquiring said property at a later date. There-  
fore this ordinance shall take effect and be in force immediate-  
ly upon its approval by the Mayor.

Passed the Council APR 23 1909

*A. J. Gairner*  
Auditor of the City of Portland.

Submitted to the Mayor APR 25 1909

*Approved April 29th 1909*  
*Thomas J. Lane*  
Mayor.

9  
ity Savings and Trust Company, at a price not to exceed \$3,500.00 for the entire tract;

✓ / Lot 6, Block W, Tabor Heights, owned by Loomis VanWyck, at a price not to exceed \$1,750.00 for the entire tract;

/ Lots 1, 2, 3, 4 and 5, Block 9, East Lynne, owned by Julius Allyn, at a price not to exceed \$2,000.00 for the entire tract;

Claim 226  
/ Lot (T) <sup>(601)</sup> and the west 90 feet of Lot Z, Mt. Tabor Park, owned by Nils J. Alsager, at a price not to exceed \$3,750.00 for the entire tract;

Claim 225  
/ Lot (G) <sup>(605)</sup> Mt. Tabor Park, owned by William and Elizabeth Hayhurst, at a price not to exceed \$8,400.00 for the entire tract, including improvements; <sup>(605)</sup>

Claim 235  
Lots H-2, I, J, K, L, (Q) except west 90 feet, (R), S, U, (A) and C, Mt. Tabor Park, owned by the Title Guarantee and Trust Company, at a price not to exceed \$23,600.00 for the entire tract;

✓ Lot (P) <sup>(601)</sup> Mt. Tabor Park, owned by W. A. Grondahl, at a price not to exceed \$4,500.00 for the entire tract, including improvements;

Claim 227  
✓ Lot (D) <sup>in 703 ? (#602)</sup> Mt. Tabor Park, owned by Emily L. Ross, at a price not to exceed \$4,300.00 for the entire tract;

Claim 234  
/ Lot H-1, Mt. Tabor Park, owned by Mary L. Mayo, at a price not to exceed \$4,556.00 for the entire tract;

Claim 263  
✓ Parcel of land in Mt. Tabor Park, containing 9 acres more or less, owned by Isam White, at a price not to exceed \$22,500.00 for the entire tract;

269  
/ Parcel of land in Mt. Tabor Park, containing 2 acres more or less, owned by Zipporah White, at a price not to exceed \$5,000.00 for the entire tract;

/ Lot 11, Mt. Tabor Park, owned by Charles Reinhardt, at a price not to exceed \$3,250.00 for the entire tract, including improvements;

An Ordinance authorizing the purchase of property for Park purposes on Mount Tabor.

The City of Portland does ordain as follows:

Section 1. That the Mayor and Auditor be and they are hereby authorized to draw warrants on the Park and Boulevard Fund, in favor of the owners of the property hereinafter mentioned, at the price or rate hereinafter set forth in each particular case, to provide for the payment of said property upon the delivery of an abstract duly certified by the City Attorney that the title to said property is clear:

Parcel of land in Mt. Tabor Park, owned by John C. Dressel, at a price not to exceed \$1400.00 per acre;

Parcel of land in Mt. Tabor Park, owned by Harriet Clark, at a price not to exceed \$23,600.00 for the entire tract;

Two-thirds interest in parcel of land in Mt. Tabor Park owned by Thompson, Leonard and Green, at a price not to exceed \$29,850.00 for said two-thirds interest; said price to include improvements;

Lots 12 and 15, Belmont Park, owned by B. H. Bowman, at a price not to exceed \$9,440.00 for the entire tract;

Lots 14 and 17, Belmont Park, owned by Rodney Glisan, at a price not to exceed \$8,210.00 for the entire tract;

A parcel of land containing 6½ acres, more or less, in Belmont Park and Tabor Heights, owned by Oregon Company et al, at a price not to exceed \$19,237.50 for the entire tract;

Lot 5, Belmont Park, owned by Albert N. Moores, at a price not to exceed \$11,000.00 for the entire tract;

Lot 13, Belmont Park, owned by Abbie B. Moreland, at a price not to exceed \$5,690.00 for the entire tract;

1912

## REPORTS OF THE PARK BOARD

# Statement of Land Purchase Proceedings

Name of Owner	Addition	Blk.	Lot	Land Assessed	Land Wanted	Price
Alsager, N. J.	Mt. Tabor Park		T. and W., 90 ft. Q.	2.05 a.	2.05 a.	\$325
Bolton, L. W.	Tabor Heights	Y		.25 a.	.25 a.	600
Bowman, B. H.	Belmont Park		12 and 15	5.9 a.	5.9 a.	627
Clark, Harriet	Mt. Tabor Park			8.5 a-5.5 a.	14. a.	330
Dressel, J. C.	Mt. Tabor Park			0.8 a.	5 a.	337
Glisan, Rodney	Belmont Park		14 and 17	2.4 a-3.8 a.	2.4 a-3.8 a.	581
Grundahl, W. A.	Mt. Tabor Park		P	1. a.	1. a.	455
Hanson, P. S. and P. M.	Belmont Villa		J	1. a.	1. a.	950
Hayhurst, W. and E.	Mt. Tabor Park		G		Lot G.	
	Mt. Tabor Park			4 a.	4 a.	
Oregon Co.	Belmont Park		4	5.6 a.		
(Lamberson Bush Heirs)	Tabor Heights		W. 1/2 Z and E. 1/2 S of			
Title Guar. & Trust Co.	Tabor Heights		Broughton	.7 a.	0.25 a.	984
Mayo, Mary L.	Mt. Tabor Park		H	2.1 a.	2.1 a.	492
Moreland, A. B.	Belmont Park		13	3.2 a.	3.2 a.	658
Moore, A. M.	Belmont Park		5	4 a.	4 a.	739
Reed, A. W.	Belmont Park		16	3.7 a.	3.7 a.	
Reed, A. W.	Belmont Park		18	3.3 a.	3.3 a.	502
Reed, A. W.	Belmont Park		19	3.7 a.	3.7 a.	
Ross, E. J.	Mt. Tabor Park		D	1.8 a.	1.8 a.	
Reinhardt, Chas.	Mt. Tabor Park		11	1 a.	1 a.	600
Sommerville, John	Belmont Villa		F	1.9 a.	1.9 a.	
Sommerville, John	Belmont Villa		G			
Title Guar. & Trust Co.	Mt. Tabor Park		H, 2, I, J, K, L, Q ex. W.			
			90 ft. R, S, T, A, C.	18.2 a.	18.2 a.	423
Thayer, F. E.	Mt. Tabor Park		B	2.4 a.	2.4 a.	485
Thayer, F. E.	Mt. Tabor Park		E	1.1 a.	1.1 a.	356
Thompson, Leonard & Green	Mt. Tabor Park			20.59 a.	20.59 a.	895
White, Isaac	Mt. Tabor Park			20 a.	9 a.	590
White, Ziporah	Mt. Tabor Park			10 a.	2 a.	580
Casner, J.	Mt. Tabor Park		12	1.25 a.	1.25 a.	605

Total

### EXTRA:

Attorney fee, Thompson, \$49.08; for Leonard, \$19.08; Blythe mortgage, \$726.80; Pac. Title & Trust Co., abstract

Land bought, 1909. Columbia Park ..... Purchased from F. I. McKenna... 68 ft. strip W. side, 1 1/6 a. \$1  
 Kenilworth Park ..... Purchased from W. K. Smith... 9 acres at \$1700 a. 1  
 Laurelhurst Park ..... Purchased from Laurelhurst Co. 39.3 acres at \$3050 a. 9  
 Peninsula Park ..... Purchased from Ukiah Inv. Co. 20 acres at \$3000 a. 19  
 Sellwood Park ..... Purchased from W. H. Morehouse 15 53 acres at lump sum 4  
 Sellwood Playground Purchased from W. H. Morehouse Lots 12 to 18 inc., Block 104.



# REPORTS OF THE PARK BOARD

## Statement of Land Purchase Proceedings

Warrant or Receipts	Rate Asking Price	Total Asking Price	Rate Park Bd. est. per Acre or Lot	Total Allowance Park Board Estimate	Appraisal Land	Improvements (assessed)	How Secured	Warrant Price Paid	Drawn On
165		\$ 5000	\$1470	\$3220	\$1500 a.....		Direct purchase....	\$3750	19
50			2000	500	750.....		Direct purchase....	750	19
30	\$1775	19500	1600	9500	1600 a.....		Direct purchase....	16751 33	19
30	1785	25500	1771	24500	2500 4 a. ca.				
00	1400	7000	1400	7000	1200 11 1/3 a.....		Direct purchase....	23000.00	19
00					1200 per a.....		Direct purchase....	6832.00	19
00					2000 2 a. ca.				
01	1440	8000	1400	8000	1000 4.21 a. ca.		Direct purchase....	8210.00	19
95	7500	7500	6000	6000	2000 per a.....	\$2500	Condemnation....	7255.00	19
50	6000	5000	3000	3000	3000 per a.....		Direct purchase....	2747.05	19
80									
00	2750	11000	2000	10000	1600 per a.....	2000	Condemnation....	14518.58	19
00									
00	3120	19200	3000	18750			Direct purchase....	19237.50	19
50									
50	2604	6000	2200	4700	2500 1 a.....				
00					1800 1 2/3 a.....		Direct purchase....	5500.00	19
00	2197	7000	1800	5742	2350 2 a. ca.				
00					1000 2.39 a. ca.		Direct purchase....	6880.00	19
00	2785	11000	2000	7900	2450 per a.....		Direct purchase....	11600.00	19
00					1600.....				
00			1700	18000	1200.....		Direct purchase....	17192.00	19
00					2000.....				
80	2450	4500	2350	4300	2350.....		Direct purchase....	4300.00	19
00				3250	2500 per a.....	\$750	Direct purchase....	3700.00	19
00	3000	5550	2835	5250	3000 per a.....		Direct purchase....	5350.00	19
50									
00	1373	25000	1500	23600	1500 5 a. ca.				
					1800 2 a. ca.				
					1000 12.5 a. ca.		Direct purchase....	23600.00	19
00			1500	3000					
85			1400	1512	1750 per a.....		Direct purchase....	5400.00	19
00	2185	45000	1942	40000	5 a. at \$2500.				
00					Balance \$1750....	5000		40500.00	
00	2500		2500	22500	2500 9 a. ca.		Direct purchase....	32500.00	19
00	2500	3000	2500	5000	2500 per a.....		Direct purchase....	5000.00	19
05	2801	3100	2500	3100	3200.....		Direct purchase....	3200.00	19
								253,745.46	
Total.....								834.96	
								220,885.55	
Grand Total.....								\$475,486.77	

Combs, Dan

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**From:** Combs, Dan  
**Sent:** Thursday, 03 October, 2002 16:57  
**To:** Kessler, Dennis  
**Cc:** Nelson, Brenda; Warren, Thom; Doane, Jim; Spetter, Ruth;  
'Kathryn.L.Mallon@us.mwhglobal.com '  
**Subject:** Water Bureau Ownership at Mt. Tabor

Dennis;

This is a bit long, but I've tried to categorize with immediate functional project items at the beginning, and more complex (esoteric) issues at the bottom.

#### 1. WATER/PARKS LAND EXCHANGE SITES.

Yesterday (Oct. 2) I talked with Kathryn Mallon about the potential for land exchange arrangements between Water and Parks, in reaction to Water's future project activities displacing Parks' operations at their Mt. Tabor facility. I will be providing her with more data on individual Water-owned parcels by separate email. There are a few potential sites for at least short-term occupation by Parks, such as the former Hazelwood Water District property at 1017 NE 117th Ave. (please be clear this could NOT include the building, which is already fully utilized by Water, but only the open grassy area to the North), or possibly a portion of the presently vacant area of the Ground Water Pump Station site (16400 NE Airport Way). Other alternatives mentioned include part of the Interstate site, Lusted Hill (not the Plant site, but the potential future treatment/filtration site off Dodge Park Blvd., which Parks gave up their lease on and vacated a couple of years ago), Powell Butte (assuming compliance with the latest Council-approved Conditional Use Master Plan), and some even less likely candidates. Kelly Butte also comes to mind; both Water's large vacant parcels, and the old "911" facility owned by BGS. (This probably belongs in the "less likely" category, but worth investigating). If you have a list of candidate sites please let me know.

#### 2. MAPPING WATER'S LEGAL PARCEL BOUNDARIES.

I also talked with Kathryn about the legal boundaries between Parks and Water properties on Mt. Tabor. There apparently is still not certainty over what parts of the total area are owned by Parks, and what is owned by Water. To help define the legal parcel boundaries owned independently by the two Bureaus, I am forwarding to you 2 copies of maps and other documents which clearly outline Water's ownership on Mt. Tabor. These are in your slot of the 5th-floor mail cart. You can forward these on to Brenda and/or Kathryn. These maps are:

(a) Large (24" x 34") general overview of Mt. Tabor, with heavy lines indicating the Water Bureau's outer property boundaries. This is based on the same digital data used to create the other map products provided recently by Thom Warren. For clarity, the data has been filtered to leave only what helps the viewer orient the property boundaries to the overall site.

(b) Copy of Water Bureau "General Plans" map "3-B-6" dated 03-24-1959. This map is an older rendition of the Water Bureau's outer property boundaries. In addition, this 1959 map shows the individual parcels originally purchased by Water (in lighter lines), and the "City Auditor's Deed Number" for each acquisition deed. These deeds, and relevant County Surveys of Record for the vicinity, are the basis of Water's boundary lines shown in the most recent mapping products Thom has provided for the project. Note this map also shows the parcels and Deed Numbers for the Park Bureau parcels, existing and vacated public street rights-of-way, and roadway improvements in the overall Mt. Tabor park area, all as of 1959 or earlier.

(c) Partition Plat No. 1997-85, which was created by Water as part of the sale of Water's property along SE Division. "Parcel 2" of the Plat is owned by Water but has been occupied by Parks for many years (more on that further below).

(d) "Proposed Minor Land Division - Tentative Site Plan" dated 01/24/1997 is a detailed survey of the area ultimately referred to as Partition Plat No. 1997-85. The value of this map is that it shows the future street reserve required by conditions of approval of the Partition Plat. These conditions are within City of Portland Case File LUR 96-00 748 MP as referenced in the Plat. The future street reserve provides for the extension of SE 64th Avenue between SE Sherman and Division Streets. This reserve is a 40-ft. wide strip which is the most western 40-feet of Parcel 2. Any future development of Parcel 2 by either Parks, Water or some other future owner would trigger the street right-of-way dedication requirement of LUR 96-00 748 MP.

Partition Plat No. 1997-85 "Parcel 1" and "Parcel 2" boundaries. From this map it can be seen the extent of Parks' use of Water's parcel. The east line of Parcel 2 (east boundary of Water's property) runs through Parks' more eastern building closest to SE Division.

(f) Two copies of the County Assessor's data on Parcel 2 of Partition Plat No. 1997-85, as of today (10/03/2002). This is County Taxlot Account No. 1s2e05cc 8702. The County data shows the property as owned by the Bureau of Water Works, in accord with Partition Plat No. 1997-85. The inset maps show current zoning designations, building footprints, and some underground water & sewer line info (some more accurate utility details are also available in Water's mapping data).

I hope all the above helps define what Water does (and does not) own at Mt. Tabor. See Thom or myself for more info if needed.

### 3. MORE ON PARKS' USE OF "PARCEL 2" AND OTHER WATER BUREAU LAND AT MT. TABOR.

The parcel owned by Water on the North side of SE Division at SE 64th Ave. is what remains from the larger parcel originally purchased by Water for the "Reservoir 2" site at SE 60th & Division eastward. Most of that original parcel was sold to the developers of the "Courtyard Plaza" complex. As noted above, the remaining portion ("Parcel 2" of Partition Plat No. 1997-85) is owned by Water but used by Parks as part of their facility. I am not aware of any written agreement between Water and Parks for Parks' use of the Water Bureau property on Mt. Tabor, either for this particular parcel or for the overall Mt. Tabor area. Neither has Parks ever provided me with a copy of such a document. It's possible there was and is an agreement somewhere in the City's files, and I have just never been able to find it. If you know of such an agreement, please let me know. The absence of an agreement raises some interesting questions, issues, concerns and opportunities.

### 4. PROJECT APPROACH TO MT. TABOR PARCEL OWNERSHIP.

Besides the simple question of each Bureau's boundaries being properly mapped, I came away from my discussion with Kathryn with an impression the general approach towards parcel ownership on Mt. Tabor, so far as related to Water's project needs, is not fully inclusive of the unique nature of the property rights involved in Water Fund vs. City General Fund land title authorities and obligations. On Mt. Tabor (and other sites as well, including Washington Park) there are two distinct classes of parcels, with two distinct parties of ownership. The "General Fund owners" (Portland's citizens, taxpayers) are a separate entity from the "Water Fund owners" (Water Bureau ratepayers - including wholesale customers, and Water Fund bond/debt holders). Recognition of these two different ownership categories should underlie any discussion regarding the use and disposition of any Water Fund and/or General Fund assets on Mt. Tabor, in order for decisions made to be legally appropriate and allowable under City Charter and related limitations.

### 5. SOURCE AND BASIS OF WATER'S PARCELS ON MT. TABOR.

The Water Bureau's parcel ownership's originate from individual purchases (mostly from private parties), for the sole purpose of future water reservoir construction. All these parcels were obtained (as far as can be inferred from the records at hand) without consideration towards the use of any Water property on Mt. Tabor for public park purposes. Likewise, all the parcels currently owned by Parks are separate legal acquisitions made by Parks specifically and solely for public park purposes, having nothing to do with use of any Park property for Water purposes. As a result, there is no "co-mingling" of parcel ownership's on Mt. Tabor. Any impression of one indivisible City ownership is a misconception, due in part to previous County Assessor's accounting practices, reflected also in the "graphical index" to the accounting data (the Assessor's maps), the practice of such "accounting shortcuts" (taxlot consolidation at the whim of the Assessor) for individual legal land parcels now prohibited by Oregon Statutes. Due to the County Assessor's historic practice of "consolidating" legally separate and unique tax lots and parcels under one "taxlot account" for assessment and taxation purposes, the County Assessor's data currently available does not reflect the original unique legal parcels within the larger "consolidated taxlot" of City ownership on Mt. Tabor. This is only due to the historic results of the Assessor's now prohibited accounting process being still reflected in the Assessor's mapping products. The Assessor's maps are NOT necessarily a complete, correct or reliable legal source for property ownership data at the individual parcel level (as states the County's disclaimer on their maps, in different words). The County's Deed Records are the preferred source of exact parcel ownership data. The Water Bureau's property ownership maps are based on Deed Records data. An examination and analysis of each deed for the acquisition of Water Bureau property on Mt. Tabor was conducted as part of creating Water's property ownership maps.

### 6. CITY CHARTER PROVISIONS SEGREGATING WATER FUND ASSETS INCLUDES LAND PARCELS.

Water's current project needs to address this "parcel ownership" issue because use of real property owned by the

11, WATER FUNDS.

"Section 11-104. Funds.

After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund.

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund. After deducting sinking fund requirements, operating expenses of the water works and plant and the Water Bureau, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the Council may transfer any excess in the Water Fund to the Water Construction Fund.

The Council may make transfers between funds in the Water Bureau, but the funds and accounts of the Water Bureau relating to water plant and works shall be separate from other accounts and funds of the City and treated as a separate municipal operation. The Council may impose charges it finds equitable upon the operation of the water system for municipal services of other departments, Bureaus and officers, and may impose fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not be transferred to the General Fund of the City, nor to special funds unrelated to the water works, water system and the sinking funds for water bond debt service. [New sec. Nov. 8, 1966.]"

In examining whether an expenditure of Water Bureau Funds in support of a General Fund bureau, or the use of a Water Bureau asset by a General Fund bureau, would be appropriate, under chapter 11 of the City Charter, the City Attorney's Office has determined that the proper test is a determination of whether the proposed expenditure can be said to be "related to the water works, water system and the sinking funds for water bond debt service."

The City Attorney's Office has found several times over the years that it is not legally proper to transfer a Water Bureau capital asset to a General Fund bureau when payment by the General Fund to the Water Fund is less than the market value of the asset. (City Attorney Opinion 81-44, 82-150, 88-165, other City documents.) The City Attorney has determined: "The phrase "accounts relating to water plant and works" is reasonably read to include the capital "accounts" of the Water Bureau. Otherwise, through the transfer of capital assets, the Charter's purpose to protect the ratepayer investment in Water Bureau plant and works could be evaded." (Memorandum of March 9, 1990 from Jeffrey L. Rogers, City Attorney to Mayor Bud Clark and Commissioners Lindberg and Bogle.)

What the above means in short is that Parks cannot use a Water Fund property for any purpose, and neither can Water Funds be used in support of a Park purpose, without "market value" compensation to the Water Fund in some form. The City Attorney has stated: "Fair market value is best determined by a current appraisal or by an arms length negotiation... Since City Council ultimately manages both the General Fund and the Water Funds, Council must take care that the amount transferred between funds is legally defensible as reasonably reflecting fair market value." (Memorandum of March 9, 1990 as above.)

In relation to an expenditure of Water Bureau Funds or use of Water Fund Assets for Park Bureau purposes, it might be maintained by Parks or others that there exist past arrangements between Water and private parties, that create a precedent for certain arrangements between Parks and Water. Namely, in the acquisition of private property for Water Bureau purposes, the Water Bureau might properly pay to remove encumbrances from the property when necessary to make the property available for Water's purposes. This would apply in the case of encumbrances such as a restrictive easement within property the Bureau desired to purchase, or possibly a site condition which needed to be dealt with as part of the transaction (payment for demolition of a building, or for the value of timber which would be removed during construction, are examples). The assumption is that Water would be willing to provide payment or compensation of some sort to remove an existing problem, so that the site could then be more fully used for Water Bureau purposes. The City Attorney's Office has confirmed such an expenditure appears to fit the "related to" test that Office has set out for appropriate Water Bureau Fund expenditures. The answer is qualified however: The expenditure must be "reasonable". Using Water Bureau assets or funds to provide a new or replacement site or building for Park purposes, would likely not be a reasonable expenditure under the "related to test" - unless the Water Fund received "market value" compensation in exchange. Since at Mt. Tabor this would probably involve property already owned by Water, that Parks has been using without providing "market value" compensation to Water in exchange (and that "market value" determined under the City Attorney's restrictive interpretation), proposing that Water would compensate Parks for the right to use property already owned by Water may be contrary to the City Charter.

## 7. RECOMMENDED ACTIONS.

7  
potential assistance to Parks in relocating Parks' operations from Mt. Tabor, should (1) recognize and legally account for Water's existing valid and enforceable property rights on Mt. Tabor which are distinct from Parks and City General Fund property rights; and (2) recognize and legally account for "market value" exchanges required between Parks and Water for use of the land parcel(s) by those Bureaus. It's suggested the ownership's be examined in similar detail at Washington Park. There are opportunities to resolve some long-standing discrepancies in ownership as compared to use at both these major Water/Parks areas, and a consolidated approach to dealing with both at the same time is possibly best for all concerned.

I suggest no decisions or commitments regarding the disposition of Water Fund properties in relation to the project be made without a full review by the City Attorney. Ruth Spetter has worked previously in this area and she is copied. Thanks for the opportunity to comment.

W-21

# OFFICE MEMORANDUM

Write It — Don't Say It

TO:	<input type="checkbox"/> Your Information <input type="checkbox"/> Please Reply <input type="checkbox"/> See Me <input type="checkbox"/> Prepare Report <input type="checkbox"/> Please Comment <input type="checkbox"/> Per Your Request <input type="checkbox"/> Investigate <input type="checkbox"/> Initial and Forward <input type="checkbox"/> Return by:  <input type="checkbox"/> For Necessary Attention
1. <i>Dick</i>	
2. <i>Eric</i>	
3.	
SUBJECT: <i>Mt. Tabor Research</i>	

Attached is a list of the Auditor's ~~Deed~~ File Numbers for all property on Mt. Tabor owned by the City.

① For each Deed No., I need the corresponding Ordinance No., from the Auditor's Cross-Reference Index.

- ② For each Ordinance No., I then need:
- A. Date of Ordinance;
  - B. Amount of purchase price for land authorized;
  - C. Fund Source for purchase (Water Fund, General Fund, Parks Recreational Areas Fund, etc.).

I need this info by noon Tuesday, April 22.  
 Let me know beforehand if it will take longer than this! Thanks!

FROM: <i>Dan</i>	Date <i>4/17/86</i>
	Phone

## w

25

13

1. Mair t.

S.E. adison t.

E. Haw orne B. t.

s. #6

Res. 5

.17 ac s

.922 W1	ard's	lue	1.725
Book 88	p		\$19,062.1
			19,512.

-6-27 s. #2 a ess. 565.9  
 Rhine t. sew  
 -20-27 ower a ess.  
 other .,Tabo: lands 828.2  
 7/50 . Door -2,170.3  
 ss. #1 .75 ac s 171,136.0  
 an. 24, 894  
 ok 20, page 4

Res #1 5.75 ac.

D-35 D-590 -595  
 D-59 D-598

D-27 D-289 -297  
 D-59 D-594

S.E. .ncoln .

SE 50th Ave.

SE 59th Ave.

SE 66th Ave.

Je 4.18  
 Be 206, ze 204  
 10 cres  
 S.E. D. sion E

ervoir #1 5. acres  
 crete ned. C 12,0 000 ga  
 st. 18 . Ele 411.6

ervoir 2 10 res  
 ck lin . Cap 20,500, 0 gal.  
 st. 18 . Ele 229.2

Res voirs and # 4 7 acres  
 Res #5  
 Cor ete 11 i. Cal 49,00 000 ga.  
 Con . 1911 Elev. 1.60'

Res #6  
 Con ete 11r . Cap 75,00 000 ga.  
 Con 1911 Elev. 305.00



# Auditor Deed No's.

354 Feb

DATE	ord N <sup>o</sup>	Amount	Fund
1893			
1894	201	1,000 <sup>00</sup>	
Aug 21 1896	297	100 <sup>00</sup>	City Portland

374 2/20/08 9,618<sup>75</sup> Lot 2 not taken

\* especia

395 2,500<sup>00</sup> S B w Hooker  
Oct 12/116 1.00 25 of 40 S B w

501 same 1<sup>00</sup> 325 of Lot 4 B w  
not taken

502 same 1<sup>00</sup> 325 of Lot 6

574 May 14, 15 ord 30432  
E 58<sup>th</sup> Ric 587  
Pg 367

589 1319 in Linton  
Sept 20 1908 City of Portland  
Ric 277 Pg 31

\* \* 591 37,500<sup>00</sup> B w 204 Pg 306  
May 4 1908

572 10,000<sup>00</sup> City of Portland  
Ric 252 Pg 303

592 April 30 32,000<sup>00</sup> Lot 12 not taken



## PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

### Memorandum

Date: September 15, 2008

To: Eileen Argentina, Parks and Recreation Services Manager

From: Stephen Planchon & Zalane Nunn, Property Management

Re: Mt. Tabor Ownership Research and Recommendations

#### Introduction

Beginning in the late 1800's, the City acquired the approximately 50 individual parcels of land that now make up the reservoir and park at Mt Tabor (the "Property"). Portions of the Property were obtained as Park land and other portions for Water Bureau purposes. At some point in time, the County Assessor's Office, viewing all of these tax lots as City-owned, consolidated most of the lots into one 190.3 acre tax lot (R332503) with the City's Water Bureau erroneously shown as having sole control of the Property. The City of Portland does not transfer ownership of parcels to a City bureau; rather it transfers management responsibilities to individual bureaus. The County Assessor has no authority to define the ownership or management authority of city land; therefore, the County's consolidation could not have resulted in the Water Bureau becoming responsible for management of the entirety of the Property. Since County tax assessment maps are relied on for making an initial determination as to who controls specific property, the County's consolidation resulted in significant ambiguity regarding which portions of the Property are managed by PPR and which portions are managed by the Water Bureau. The ambiguity has unnecessarily complicated the City's planning and management activities at Mt. Tabor, including PPR's recent redevelopment plans for its Mt. Tabor maintenance yard.

#### Research Conducted and Conclusions Reached

In an effort to resolve the ambiguities noted above, Glenn Raschke, Business Systems Analyst (Parks), and Dan Combs, Engineering Survey Manager (Water Bureau), researched Parks and Water Bureau property records, interviewed Parks and Water staff, reviewed the City Archives (SPARC), including eFiles, and reviewed title records filed with the Multnomah County Recorders Office. The deeds and ordinances, recovered to date, confirm that most of the Property is to be managed for park purposes, with about two thirds of the lots purchased by the Parks Board or the City of Portland using general funds, Park and Boulevard funds, or Public Recreational Areas funds.

Water Bureau records included a 1959 map depicting Water and Park Bureau ownership at Mt. Tabor Park (attached). The map shows that Water Bureau owned a polygon around the three reservoirs, as well as a parcel along Division Street (originally intended for Reservoir #2). The parcel along Division St. was not a part of the consolidation, and, though part of it was sold in the 1980's, it remains a separate tax lot (R239628), distinct from the large Mt. Tabor tax lot (R332503). The remaining portions of the Property on the map are shown as Park Bureau lands, consistent with deed and ordinance research referenced above. Glenn Raschke and Dan Butts, PPR's surveyor, plotted many of the Parks acquired lands on Multnomah County Tax maps, with the plotting exercise confirming the general reliability of the 1959 map.

As shown on the 1959 map, about half of PPR's main office and maintenance sheds at the Mt. Tabor Yard are on land purchased for Water Bureau purposes, but managed by PPR for park purposes. The presence of Parks and Water Bureau improvements on land assigned to the other party for management purposes appears to indicate historic agreements as to those uses. The agreements have not been recovered to date.

#### Recommendations:

1. Parks and the Water Bureau should agree that the 1959 map accurately depicts the current management authority status of City lands at Mt. Tabor;

2. Parks and Water should realign its management responsibilities to current or planned uses of City lands at Mt Tabor (e.g. new PPR maintenance facility), with the understanding that the property transferred between bureaus will be of equal value.); and
3. Once Water and Parks have realigned their respective assets at Mt. Tabor, City Council should formally assign management responsibilities at Mt. Tabor in accordance with the Water Bureau/Parks agreement and the City should communicate the outcome to the County Assessor's Office with a request that the County tax assessment maps be revised accordingly.



5476  
TAX LOT 15  
176.41 AC.

PPR / City

145 Acres

PW 13

51 Acres

WATER BUREAU  
PROPERTY OUTLINED  
IN RED.

PPR

RESERVOIR #1

WATER BUREAU  
RESERVOIR #2

WATER BUREAU  
PROPERTY OUTLINED  
IN RED.



City of Portland official information relevant to Mt. Tabor Park as of February, 2008

**Portland Maps Information:**

[http://www.portlandmaps.com/detail.cfm?action=Zoning&propertyid=R332503&state\\_id=1S2E05%20%20%20%20100&address\\_id=653780&intersection\\_id=&dynamic\\_point=0&x=7665038.232&y=679533.347&place=6325%20SE%20DIVISION%20ST&city=PORTLAND&neighborhood=MT%2E%20TABOR&seg\\_id=119557](http://www.portlandmaps.com/detail.cfm?action=Zoning&propertyid=R332503&state_id=1S2E05%20%20%20%20100&address_id=653780&intersection_id=&dynamic_point=0&x=7665038.232&y=679533.347&place=6325%20SE%20DIVISION%20ST&city=PORTLAND&neighborhood=MT%2E%20TABOR&seg_id=119557)

Cut and Pasted Text from portlandmaps.com:

**Mt. Tabor Park**

Address SE 60th & Salmon St

Distance 0.03 miles

Size 195.66 acre(s)

Amenities basketball court, disabled access picnic area, disabled access play area, disabled access restroom, dog off-leash area, horseshoe pit, paths – paved, paths – unpaved, picnic site – reservable, picnic tables, playground, stage, statue or public art, tennis court – lighted, volleyball court, wedding site – reservable, WiFi

Zone OS (Open Space) Plan District

Overlay c NRMP District

Comp Plan OS Historical Resource Type Historic

Comp Plan Overlay Historic District

Zoning Map 3237 Conservation District

Urban Renewal Area n/a Wellhead Protection Area No

**Historical Resource Information**

District Classification National Register property Year Built 1888, 1903

Historic Name Mount Tabor Park Architect Emanuel Tillman Mische

Common Name Williams Park Style Late 19th and Early 20th Century

**Property Value (2007)**

Market Value \$37,503,250.00

Assessed Value \$0.00

**Taxes (2007)**

Property Taxes \$0.00

Total Taxes \$0.00

**Misc Info**

Year Built 1894

**Permits/Cases New Permit/Case Search**

Permit/Case Number	Permit/Case Type	Latest Activity
--------------------	------------------	-----------------

6325 SE DIVISION ST		
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2004-038048-000-00-MT	Mechanical Permit	Commercial or Multi-Family
-----------------------	-------------------	----------------------------

Dwelling/Structure	Addition/Alteration/Replacement	08/17/2004
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2004-050714-000-00-ET	Electrical Permit	Commercial or Multi-Family
-----------------------	-------------------	----------------------------

Dwelling/Structure	Addition/Alteration/Replacement	03/16/2005
--------------------	---------------------------------	------------

2006-173412-000-00-PC	Pre-Application Conference	LUR - Major
-----------------------	----------------------------	-------------

12/22/2006

2006-178213-000-00-LU Land Use Review Type 2 Procedure HDZ: Historic Design  
 Review 10/10/2007  
 2007-139442-000-00-LU Land Use Review Type 3 Procedure HDZ: Historic Design  
 Review 12/05/2007  
 2007-163166-000-00-CO Commercial Building Permit Utility Addition  
 10/24/2007  
 2007-166681-000-00-CO Commercial Building Permit Utility Alteration  
 10/03/2007  
 2007-171206-000-00-CO Commercial Building Permit Business Alteration  
 12/14/2007  
 2008-106087-000-00-CO Commercial Building Permit Utility Alteration  
 01/31/2008

PortlandMaps New Search | Mapping | Advanced | Google Earth | Help | PortlandOnline  
 6325 SE DIVISION ST - MT. TABOR - PORTLAND Explorer | Property | Maps | Crime |  
 Census | Transportation  
 Summary | Assessor | Permits/Cases | Block | Schools | Parks | Businesses | CIPs |  
 Development | River Rewards | Noise | Storage Tank

#### General Information

Property ID R332503  
 County MULTNOMAH  
 State ID 1S2E05 100  
 Alt Account # R992050130  
 Map Number 3237 OLD  
 Site Info  
 Site Address 6325 SE DIVISION ST  
 City/State/Zip PORTLAND OR 97206  
 Owner Info (Privacy)  
 Owner(s) Name PORTLAND CITY OF  
 % PORTLAND WATER BUREAU  
 Owner Address 1120 SW 5TH AVE #609  
 City/State/Zip PORTLAND OR 97204 0 1651 FT

#### Property Description

Tax Roll SECTION 05 1 S 2 E; TL 100 190.28 ACRES Use PARK  
 Lot Block  
 Tax Districts  
 101 PORT OF PORTLAND 130 CITY OF PORTLAND  
 130L CITY OF PORTLAND CHILDREN LOP 130M CITY OF PORTLAND  
 PARKS LOP  
 143 METRO 164 EAST MULT SOIL/WATER  
 170 MULTNOMAH COUNTY 170L MULT CO LIBRARY LOCAL OPT TAX  
 171 URBAN RENEWAL PORTLAND 173 URB REN SPECIAL LEVY - PORTLAND

198 TRI-MET TRANSPORTATION 304 MULTNOMAH CO ESD  
 309 PORTLAND COMM COLLEGE 311 PORTLAND SCHOOL DIST #1

#### Deed Information

Sale Date	Type	Instrument	Sale Price
	IN	04600193	\$0.00

#### Land Information

Type	Acres	SQFT
RECREATION LAND	190.2800	8,288,597

#### Improvement Information

Improvement Type Recreation

Improvement Value \$34,966,740.00

#### Room Descriptions

Building Class PARK

Actual Year Built 1894 Effective Year Built

Number of Segments 2 Construction Style

Foundation Type Interior Finish

Roof Style Roof Cover Type

Flooring Type Heating/AC Type

Plumbing Fireplace Type

#### Improvement Details

#	Segment Type	Class	Total Area
1	Main		7,600
2	Main		5,588
1	Main		5,700
1	Main		2,200
1	Main		7,488
1	Main		2,250
1	Main		1,936
1	Main		1,936
1	Main		14,880
1	Main		818
1	Main		1,128
1	Main		8,940
1	Main		2,718
1	Main		2,250
1	Main		1,800
1	Surface Parking		15,000

#### Tax History

Year	Property Tax	Total Tax
2007	\$0.00	\$0.00

#### Assessment History

Year	Improvements	Land	Special Mkt/Use	Real Market	Exemptions	Assessed
2007	\$34,966,740.00	\$2,536,510.00	\$0.00	\$37,503,250.00	\$37,503,250.00	\$0.00
2006	\$34,966,740.00	\$2,536,510.00	\$0.00	\$37,503,250.00	\$37,503,250.00	\$0.00
2005	\$34,966,740.00	\$2,348,620.00	\$0.00	\$37,315,360.00	\$37,315,360.00	\$0.00
2004	\$31,787,950.00	\$2,135,110.00	\$0.00	\$33,923,060.00	\$33,923,060.00	\$0.00
2003	\$31,787,950.00	\$2,135,110.00	\$0.00	\$33,923,060.00	\$33,923,060.00	\$0.00



2002	\$29,708,360.00	\$1,995,430.00	\$0.00	\$31,703,790.00	\$31,703,790.00	\$0.00
2001	\$29,708,360.00	\$1,995,430.00	\$0.00	\$31,703,790.00	\$31,703,790.00	\$0.00
2000	\$26,290,590.00	\$1,765,870.00	\$0.00	\$28,056,460.00	\$28,056,460.00	\$0.00
1999	\$22,664,300.00	\$1,522,300.00	\$0.00	\$24,186,600.00	\$24,186,600.00	\$0.00
1998	\$20,603,900.00	\$1,383,900.00	\$0.00	\$21,987,800.00	\$21,987,800.00	\$0.00
1997	\$18,490,800.00	\$1,318,000.00	\$0.00	\$19,808,800.00	\$19,808,800.00	\$0.00

#### Active Pavement Moratorium Streets

Contact: Laurin Wild, 503.823.7149

These streets are under a five year Pavement Moratorium due to the construction, overlay or repair of the pavement surface as it exceeds the 10' by 100' area criteria. Disturbance of new pavement requires a higher level of pavement restoration during reconstruction. Applicants are to obtain all permits required by the City Engineer prior to construction.

Street Name	From Street	To Street	Date Paved	Moratorium End Date
SE BELMONT ST	SE 65TH AV	SE 69TH AV	6/9/2003	6/9/2008
SE LINCOLN ST	SE 50TH AV	SE 60TH AV	5/19/2003	5/19/2008

#### Planned Pavement Moratorium Streets

Contact: Pat Kolodich, 503.823.1769

These streets have been identified as a street in need of maintenance. This work involves grinding of existing pavement, modifying utility manholes and valves, and placing a new asphalt overlay. The tentative construction date listed for this work is a projected date. Actual paving may occur the following year. After the street is paved, a 5-year street opening moratorium will be imposed.

Street Name	From Street	To Street	Proposed Year/Season
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#### Capital Improvement Projects

Restrooms - 7 locations (PKS003321)

Based on a recent user survey, improving the condition of park restrooms is a top priority for park users. The Portland Parks system has 110 restrooms. Only 40 were renovated under the last General Obligation bond. One time funds capital dollars will be used to renovate one restroom in 2006-07 . Ideally at least one restroom will be completed every... Design Phase Dates not available

Construction Phase Dates not available

Sponsoring Bureau City of Portland - Parks Bureau

Parks Maintenance Facility (PKS003322)

Park's maintenance facilities are over 40 years old and have deteriorated to where then need replacement or major repair. This project will address the need to replace Parks maintenance facilities at East Delta Park and Mt. Tabor Yard with one or more facilities. The bureau is weighing options and costs of potential maintenance facility alternative... Design Phase Dates not available

Construction Phase Dates not available

Sponsoring Bureau City of Portland - Parks Bureau

Open Reservoir Deferred Maint (WTR000495)

This project is in accordance with Council Resolution 36237, which requires implementing deferred maintenance improvements at both Washington Park and Mt. Tabor Reservoir sites. Work for FY 2008-09 fiscal year will be completion of construction work at Mt Tabor and Washington Park locations. This project also includes sidewalk repairs at all reserv... Design Phase 07/01/2006 - 05/15/2007

Construction Phase 04/01/2007 - 06/30/2015

Sponsoring Bureau City of Portland - Water Bureau

SE 59th & Lincoln Swr & Grn St (BES008509)

5  
This scope of work is a sub-element of Bureau of Water Works project to install new water transmission lines and vaults in subject project area. The sewer lines in this area are either of severe deterioration or are nearing 100-year life. The sewer lines are deeper than the proposed water lines and vaults and thus best economic practice dictates...

Design Phase 02/01/2007 - 02/29/2008

Construction Phase 08/22/2007 - 12/22/2009

Sponsoring Bureau City of Portland - Bureau of Environmental Services

SE Taylor St/73rd-76th (WTR000534)

Replace 350ft of 4 inch main Design Phase Dates not available

Construction Phase 11/01/2005 - 11/20/2005

Sponsoring Bureau City of Portland - Water Bureau

SE 72nd and Hawthorne (WTR000120)

Install 4" DI and 6" DI mains. Limits: SE Hawthorne St to SE Harrison St / SE 72Nd Ave to SE 76Th Ave /

Dead-end of SE Market St to SE 76Th Ave / SE 72Nd Ave to SE 76Th Ave. Lead Project: WTR000262

Distribution Mains Program Design Phase 07/01/2005 - 02/28/2006

Construction Phase 07/01/2009 - 06/30/2010

Sponsoring Bureau City of Portland - Water Bureau

Open Reservoir Interim Security (WTR000494)

This project is in accordance with Council Resolution 36237, which requires upgrading existing security monitoring at both Washington Park and Mt. Tabor Reservoir sites. This implements security goals including reducing risks of contamination, improving response time, and is consistent with recommendations of the security vulnerability assessment. ... Design Phase 07/01/2006 - 12/30/2006

Construction Phase 01/01/2007 - 06/30/2008

Sponsoring Bureau City of Portland - Water Bureau

zoning map 3237

## Planning Documents

East Buttes Terraces & Wetlands Conservation Plan, 1993 pdf file

Boring Lava Domes Supplement to the Johnson Creek Basin Plan, 1997 pdf file

The entirety of Mt. Tabor Park is listed on the National Register of Historic Places. The title of this nomination is: Mount Tabor Park.

<http://www.nationalregisterofhistoricplaces.com/or/Multnomah/state7.html>

OREGON - Multnomah County

Mount Tabor Park (added 2004 - District - #04001065)

Roughly bounded by S.E. Division Street, S.E. 60th Avenue, S.E. Yamhill Street, and S.E. Mountainview Drive, Portland

Historic Significance: Architecture/Engineering, Event

Architect, builder, or engineer: Mische, Emanuel Tillman, Keyser, Charles P.

Architectural Style: Late 19th And 20th Century Revivals, Late Victorian

Area of Significance: Community Planning And Development, Landscape Architecture, Entertainment/Recreation

Period of Significance: 1875-1899, 1900-1924, 1925-1949

Owner: Local Gov't

Historic Function: Agriculture/Subsistence, Industry/Processing/Extraction, Landscape, Recreation And Culture

Historic Sub-function: Horticulture Facility, Outdoor Recreation, Park, Water Works

Current Function: Agriculture/Subsistence, Industry/Processing/Extraction, Landscape, Recreation And Culture

Current Sub-function: Horticulture Facility, Outdoor Recreation, Park, Water Works

Within the park, the reservoirs are also listed on National Register of Historic Places as Mount Tabor Park Reservoirs Historic District.

<http://www.nationalregisterofhistoricplaces.com/or/Multnomah/state7.html>

Mount Tabor Park Reservoirs Historic District (added 2004 - District - #03001446)

Also known as Mount Tabor Park Reservoirs 1,5 and 6

1900 SE Reservoir Loop, 6445 SE Salmon St., and 1600 SE 60th Ave., Portland

Historic Significance: Architecture/Engineering, Event

Architect, builder, or engineer: Smith, Isaac, et.al.

Architectural Style: Romanesque

Area of Significance: Entertainment/Recreation, Community Planning And Development, Architecture, Engineering

Period of Significance: 1875-1899, 1900-1924, 1925-1949, 1950-1974

Owner: Local Gov't

Historic Function: Government, Industry/Processing/Extraction, Recreation And Culture

Historic Sub-function: Outdoor Recreation, Public Works, Water Works

Current Function: Government, Industry/Processing/Extraction, Recreation And Culture

Current Sub-function: Outdoor Recreation, Public Works, Water Works

#### Historic Resource Protection Overlay Zone

<http://www.portlandonline.com/planning/index.cfm?print=1&a=64437&c=36238>

Historic Landmarks, Conservation Landmarks, and Historic and Conservation Districts

This chapter 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.

Two views in Mt. Tabor Park have been identified in the Scenic Resources Protection Plan

<http://www.portlandonline.com/planning/index.cfm?&a=64465&c=36238>

Scenic Resources (s) overlay zone

The Scenic Resource zone is intended to:

\*

Protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan;

\*

Enhance the appearance of Portland to make it a better place to live and work;

\*

Create attractive entrance ways to Portland and its districts;

\*

Improve Portland 's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;

\*

Implement the scenic resource policies and objectives of Portland 's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

### Open Space Zone

<http://www.portlandonline.com/planning/index.cfm?print=1&a=64456&c=36238>

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified 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.

33.100.010 Purpose The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified 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. 33.100.020 Short Name The short name and map symbol of the Open Space zone is OS. 33.100.030 Where the Zone Is Applied The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

<http://www.portlandonline.com/planning/index.cfm?&a=64465&c=36238&#c>

Environmental (p) and (c) and overlay zones

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility

and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. The environmental regulations also carry out Comprehensive Plan policies and objectives.

\*Mt Tabor Park has significant areas Identified with the c symbol

#### Purpose of the Environmental Conservation Zone

The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

The Environmental Conservation overlay zone is applied wherever the City determines that significant resources and functional values are present. The Environmental Conservation overlay zone is shown on the Official Zoning Maps with the "c" symbol.

#### (Purpose of the Environmental Protection Zone

The Environmental Protection zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

The Environmental Protection overlay zone is applied wherever the City determines that highly significant resources and functional values are present. The Environmental Protection overlay zone is shown on the Official Zoning Maps with the "p" symbol.)

<http://www.portlandonline.com/bds/index.cfm?&a=54050&c=33175>

Two overlay zones have been applied on various sites throughout the City to protect natural resources. The "c", Environmental Conservation Overlay Zone is intended to conserve important resources and the functions they perform. This zone is applied in areas where the natural resource can be protected while allowing environmentally-sensitive development.

The "p", Environmental Protection Overlay Zone is intended to provide the highest level of protection to the most important resources and the functions they perform. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

Environmental zoning affects all "development" and "disturbance area on a site".

Development includes all improvements on a site, including buildings, other structures, parking and loading areas, landscaping (planting and removing), paved or graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved and unimproved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. Disturbance area includes all temporary and permanent development including work staging and storage areas.



All vegetation planted in e-zone resource area must be native and listed on the Portland Plant List. Plants listed on the Nuisance Plant List or Prohibited Plant List, such as English Ivy, are prohibited. You can also get a copy of the Portland Plant List at the Development Services Center.

The Environmental Overlay Zone regulations involve four possible tracks:

1. Environmental regulations don't apply at all to the proposed development; or
2. The proposal is exempt (some things are exempt from the environmental regulations, see (Section 33.430.080); or
3. An Environmental Plan Check is needed to verify that all applicable standards are met; or if all standards aren't met,
4. An Environmental Review is needed.

In proposing anything on a site with Environmental Overlay Zoning, the first recommended approach would be to avoid impacts on the environmental resource. Stay completely out of the Environmental Overlay Zone, if possible.

If that is not possible, reduce impacts on the resource area, by clustering disturbance in smaller areas, building up and not out, and minimizing grading, impervious surfaces, and the removal of native vegetation. If impacts to the resource are necessary, then it is necessary to propose mitigation for all impacts to the environmental resources and the functions they perform. Mitigation must also include a monitoring and maintenance plan to ensure the survival of all mitigation planting vegetation plantings.

You will need to demonstrate that your proposal meets the applicable standards in Zoning Code Section 33.430.140-170. When you propose to meet all applicable standards, you may submit your plans through an Environmental Plan Check process. Application submittal requirements are found in 33.430.130 and it will be reviewed according to the procedure in 33.430.120.

The Environmental Plan Check process offers an expedited review and the review fees are substantially lower than those for a full Environmental Review. It is not a land use review. If any one of the standards that applies to a proposal is not met, the proposal must go through Environmental Review. Submittal requirements are in 33.430.240. Approval criteria are found in 33.430.250.

Depending on the approval criteria, a large part of most Environmental Reviews is looking at alternative development proposals and determining which one has the least detrimental impact on the environmental resources. The review typically takes into consideration

\* the location of the proposed disturbance on the site,

\*

the design of whatever is being proposed (including things like single-story vs. two or three story structures, poured foundations vs. pilings, building materials such as concrete paving vs. pervious paving), and

- construction methods (including things like the types and location of erosion control measures, grading, soil stockpiling areas, construction access, areas for storing building materials, etc.).

Heritage Tree: Sequoia above Reservoir 6 on east side

Mt Tabor Park Master Plan, 2000 no ordinance

Facilities Report, 1999

Horticultural studies

Old Links:

<http://www.portlandonline.com/planning/index.cfm?&a=58932&c=34251>



**Mt. Tabor Central Yard and Nursery Planning Group  
Site Committee Key Document Summary**

<b>TITLE:</b> Mt Tabor tentative map and Water Bureau ownership at Mt Tabor	<b>DOCUMENT TYPE (GUIDANCE/SITE/OTHER):</b> Guidance and maps
<b>AUTHOR:</b> Dan Combs (WB employee)	<b>DOCUMENT LOCATION:</b> Maija and from archives
<b>SPONSOR AGENCY:</b> Water Bureau	<b>REVIEWER:</b> Bartlett
<b>PUBLICATION DATE:</b> Oct 2002	<b>REVIEW DATE:</b> 2008

<b>SUMMARY TOPIC</b>	<b>DESCRIPTION</b>
1. What is the purpose of the document?	Water Bureau was addressing property ownership issues at Mt Tabor Park in 2002, when the reservoir project was being planned.
2. What types of information does the document contain?	<p>Maps with parcels indicated and ownership determined, as best as records allow. It explains that the assessor's maps are not the primary information source as they may not be accurate.</p> <p>Parcels have corresponding deed records, covenants and restrictions on donations and gifts, as well as records of purchases.</p> <p>It also discusses the possible compensation arrangements regarding property used by one Bureau and owned by another. It cites legal findings, resolutions, and records indicating ownership.</p> <p>The maps and records show that PPR owns approx 75% (145 acres) of the land and BWW approx 25% (51 acres).</p> <p>Discusses the legal distinctions between general fund ownership and revenue Bureau ownership as well as how these parcels must be treated under the City Charter.</p>
3. What assumptions or caveats should the reader be aware of?	This was prepared by Water in anticipation of determining the boundaries and compensation agreements between the bureaus for the reservoir project. The preparer is a licensed surveyor who happened to work for Water.
4. What are the conclusions or recommendations contained in the document?	<p>That clear title to all parcels has not been completely determined.</p> <p>That the "City" does not and cannot "own" this property. It must be assigned to a specific Bureau.</p> <p>Since there are two classes of ownership, it must be determined who does own the properties, in order to arrange legal agreements between the two Bureaus.</p> <p>Title can be clearly determined with a proper search of records as every transaction will have been recorded.</p>
5. On a scale of 1 – 10, how useful will this document be for the site designer? Please explain ranking.	<p>9</p> <p>This is central to all site development plans and determinations of use by BDS.</p>

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**Mt. Tabor Central Yard and Nursery Planning Group  
Site Committee Key Document Summary**

<b>TITLE:</b> Plant Production Audit - Draft	<b>DOCUMENT TYPE (GUIDANCE/SITE/OTHER):</b> Guidance
<b>AUTHOR:</b> Eva Schweber	<b>DOCUMENT LOCATION:</b> <a href="http://www.portlandonline.com/shared/cfm/image.cfm?id=202590">http://www.portlandonline.com/shared/cfm/image.cfm?id=202590</a>
<b>SPONSOR AGENCY:</b> Portland Parks and Recreation	<b>REVIEWER:</b> John Long and Kym Randolph
<b>PUBLICATION DATE:</b> 2004	<b>REVIEW DATE:</b> May 19, 2008

<b>SUMMARY TOPIC</b>	<b>DESCRIPTION</b>
1. What is the purpose of the document?	Analysis of the financial practicality of continuing plant production in house.
2. What types of information does the document contain?	1. An overview of the current (2004) operation. 2. A comparison of growing versus brokering. 3. An evaluation of capital assets and future maintenance costs.
3. What assumptions or caveats should the reader be aware of?	Written in 2004, current program is very different, much in house growing has been dropped from the program. This report was never finalized – still in draft form.
4. What are the conclusions or recommendations contained in the document?	This analysis recommends continuing current (2004) operation as it is. (Much has since been dropped from the program)
5. On a scale of 1 – 10, how useful will this document be for the site designer? Please explain ranking.	1 – Without additional budget \$ and personnel, it is impossible to return the program to this level.

**Mt. Tabor Central Yard and Nursery Planning Group  
Site Committee Key Document Summary**

TITLE: Mt. Tabor Park Master Plan Report	DOCUMENT TYPE (GUIDANCE/SITE/OTHER): Guidance
AUTHOR: Portland Parks and Recreation	DOCUMENT LOCATION: <a href="http://www.portlandonline.com/shared/cfm/image.cfm?id=175296">http://www.portlandonline.com/shared/cfm/image.cfm?id=175296</a>
SPONSOR AGENCY: Portland Parks and Recreation	REVIEWER: Shannon Loch
PUBLICATION DATE: January 2000	REVIEW DATE: June 2008

SUMMARY TOPIC	DESCRIPTION
1. What is the purpose of the document?	"The primary focus of the plan is to preserve and enhance the natural qualities of Mt. Tabor. The circulation systems, the recreational uses, and the facilities envisioned have been planned in balance with the environmental qualities of the park. It is intended that this document set the framework to guide decisions to provide balance between human and environmental needs and continually move the park toward the stated vision." (for the next 20 years)
2. What types of information does the document contain?	Existing conditions analysis, key considerations and program, vision and goals, alternatives and final master plan, cost priorities and phasing, appendix: transportation report, vegetation condition review, wildlife/habitat baseline report, environmental education report, facilities report.
3. What assumptions or caveats should the reader be aware of?	Mt. Tabor Park "functions as a primary water reservoir for the city requiring special facilities and management."  "The park is oriented primarily to serve people on foot and bicycle."  Mediation agreement, dated May 14, 2007, states the Mt. Tabor Park Update will "explore the best use of the MT. Tabor Park Central Yard and Nursery within the public domain and under public administration consistent with the values articulated in the current Mt. Tabor Park Master Plan."  "...uses compatible with the natural character of the park, its environmental characteristics, the surrounding neighbourhood, and the other park users."  "...uses integrated with but do not dominate or interfere with its natural character."
4. What are the conclusions or recommendations contained in the document?	"...a sense of separation from the surrounding urban environment that should be preserved, restored, and enhanced..."  "Monitor, adjust, and integrate uses and activities into the park's natural environment."  "Improve circulation through the park and connections to surrounding neighbourhoods...possible separate routes...universal access...limited parking in defined area...minimize erosion..."  "Locate orientation information at all access points to the park....throughout park interpret the natural and cultural history...trail names...consider interpretive art"  "Provide new buildings with a complementary architectural style to the existing restrooms and historic Water Bureau Structures."  "Designate an environmental education study area for groups to meet and use while exploring concepts and doing hand-on activities"  "Maintain significant views in every direction."  "Improve the quality of wildlife habitat, especially for birds"
5. On a scale of 1 – 10, how useful will this document be for the site designer? Please explain ranking.	10 The Mt. Tabor Master Plan is the document that is being updated by this process. The values are to be applied to this Update process, as stipulated by the mediation agreement that led to the Update. The drawings are useful in identifying and linking with routes beyond sire boundaries.

Reference Documents		
<b>Parks-wide Plans</b>		
Date	Title	Description
Dec.-1903, Dec.-1908, 1912, March, 1913	Annual Report(s) of the Park Board	John C. Olmsted wrote the 1903 report discussing a n Portland's park system. This report essentially laid do we have developed. He wrote that the city should acc Park, already being used for recreation (private prope to the city in 1888 for park purposes). The additional i of the development of Mt. Tabor Park and nursery, inc Mische's design for Mt. Tabor Park in May, 1911.
1999	Parks 2020 Vision	Vision for the entire Parks system, created in 1999.
Jul-01	Parks 2020 Vision Appendix, pgs. 44-56	Appendix of info related to Parks 2020 Vision docume
2003	2020 Refinement	Update to Vision 2020, done in 2003.
Dec-00	Parks Operations Report on Building Assessment & Deferred Maintenance	Documents 69 major structures maintained by Parks & condition of buildings, including buildings at the Mt Ta
2006	Total Asset Management Report	Info on types & numbers of assets in Parks' system.
2005-08	Strategic Business Plan	Bureau's current strategic business plan
2007	Sustainability Plan	Sustainability plan for Parks & Recreation
<b>Yard-specific Plans</b>		
Jun-99	Maintenance Facilities Plan: Guidelines for Improvement & Development	Overview of all maintenance facilities in Parks and ide term needs and actions needed to correct & improve t
2006?	Horticulture Analysis Draft by Kathleen Murrin	Study done by Kathleen Murrin, never became final re
Aug-06	PGP Validation Summary Appraisal Report	Prepared for Andrea Cook, Warner Pacific
Aug-06	Phase I Environmental Site Assessment	Phase I ESA conducted by Golder Associates to asse recognized environmental concerns (REC's).
Sep-06	Phase II Environmental Assessment - Portland Parks Mt Tabor Yard	This is a Phase II Environmental Site Assessment (ES Bureau of Environmental Services (BES) to identify re environmental conditions (REC) at the subject site, ide subsurface contamination, and provide information for actions. This included soil samples of areas of the Ya
Oct-06	Feasibility Study: Development of Service Zone Facilities	The goal of this study was to determine what facilities needs & where such facilities should be located. AKA
Jan-07	Feasibility Study: Development of Service Zone Facilities at Mt Tabor Maintenance Yard	Extraction of larger feasibility study (Oct 06) focused c
Mar-08	Mt. Tabor Central Maintenance Yard: Overview (DRAFT)	Report produced to inform the Planning Group.
?	Nursery Summary - Growing for Portland's Future	Lists individual jobs and associated specific tasks in re block nursery
Various	Redevelopment/Sale Packet	Collection of documents created during exploration of

Jan-00	Mt Tabor Park Master Plan Report	master plan done in 1999 for Mt Tabor Park - did not include Maintenance Yard or Nursery, not formally adopted by
Fall Winter- 01-02	Native Plant Production: 2 Approaches A Comparison: BES Re-vegetation Program and PP&R Native Plant Nursery	Compares PPR and BES native plant production program specifics of tasks, costs and time
2002	Mt Tabor tentative map & Water Bureau ownership at Mt Tabor	Written by Dan Combs, looks at ownership issues at Mt
2004?	Horticulture Draft Analysis by Eva Schwerber	Study done by Eva Schwerber, never became final report
Jan-04	Central Maintenance Facility Feasibility Study of Holgate Site	Report done when Parks considered moving Yard function to Holgate.
Jan-04	Mt Tabor Reservoirs Historic District	Listing for Mt Tabor Reservoirs Historic district.
May-04	Components of Plant Production Audit	Discusses season bedding plant production, greenhouse plant production, field nursery production & procurement
Sep-04	Mt Tabor Park National Registry	Mt Tabor Park, including the Nursery, Long Blocks, are on the National Register of Historic Places in 2004. The listing was written in 2003-04 by Cascade Anderson Geller, a member of the Mt Tabor Park Association.

Various	Plant Production Budget Cut papers	Collection of documents related to budget cuts in plant production
<b>Other Plans</b>		
Apr-91	Scenic Views, Sites, and Corridors Scenic Resources Protection Plan-Bureau of Planning	Two viewpoints in Mt. Tabor Park are identified. "This Protection Plan is intended to preserve significant scenic resources. The plan consists of policy language, zoning regulations and standards and regulate actions so that designated scenic resources are enhanced for future generations."
May-93	Heritage Trees - City Code	The tree nursery, the "fruticetum" as it was referred to was established in 1908-09 by Emanuel T. Mische, who worked at the Olmsted landscape firm for 8 years before becoming Portland's parks superintendent. Charles P. Keyser, went on to become superintendent on the Mische/Olmsted legacy for more than four decades. The Mount Tabor Nursery is responsible for many of Portland's oldest trees in right of ways, parks and other properties. "There are 300 trees at the Mount Tabor Nursery to supply a quantity sufficient to plant about 30-40 miles in the fall of 1913." Quote from Eugene Park Board report Dec., 1912. The Oregonian of August 1913 reported there were 32,000 tree seedlings set out in the nursery supplying all of the parks. At least one Heritage Tree, planted from saplings imported from California by rail in 1913, stands at Mt. Tabor Park on the east side of Reservoir 6.

maintenance system for the entire parks system. It will thus provide you with the centerpiece of the overall facilities maintenance plan for Portland parks and recreation, a plan that you have long been urging. All of this will be developed in a fully transparent process, a model for good public engagement. The facilities maintenance plan is approved by council, then we are committed to working further with park and council to pass a bond in 2010 to make the much-needed repairs to this vital piece of the infrastructure of both an important regional park and the entire Portland parks system. We are thus asking you to embark with us on a four-year effort that is up to the bond in 2010 that is long overdue and urgently needed for the Mount Tabor park central yard and nursery. Please support the resolution, and please allocate the money to help us keep moving forward. Thank you for your time, and thank you for your attention to this matter.

**Saltzman:** Before questions, there are people in the audience who served on the mediation committee. Maybe if they would like to stand, we can recognize them.

\*\*\*\*\*: [applause]

MT TABOR MASTER Plan update

**CLARIFICATION QUESTIONS BY COMMISSIONER ADAMS:**

approved by Council

**Adams:** I had a question. I wasn't able to be here for the first -- most of the first council deliberation on this issue. The current Mount Tabor master plan is how old?

**Santner:** We don't have a master plan. When we came before you last November, we said then there are two options available, and we had just done a preliminary study that either one would work, but it needed to be now expanded. And now we're going --

**Adams:** So when it says an updated --

**Santner:** Oh. The park. There is a park portion.

**Adams:** Right.

**Santner:** In 1998 --

\*\*\*\*\*: 1999.

**Santner:** In 1999, we had a general obligation bond funding for making improvements to Mount Tabor park, and at that time the community said, well, let's do a master plan so we have a full idea of what the nature of improvements need to be. We were on a very tight time line. We had five years to implement the entire plan. So at that time, we did the master plan for the park, excluding the 20 acres.

**Adams:** So in terms of --

**Larson:** And that plan was never approved by council, so it's never been actually validated. There's a master plan, but it's not --

**Adams:** That's good to know. And so is this -- I want to be clear. Is it an update to the entire master plan, including this new section or is it considered an update by only focusing on this new section?

**Santner:** Very good question, commissioner. That master plan included a vision for the park that would include the entire site. Very aspirational. And then principles and values. What we want to do is reaffirm those principles and values that would also include this site and then focus on this 20 acres specifically.

**Adams:** And because there's a citywide aspect to the consideration of the maintenance yard, how do you see incorporating the nonadjacent neighborhood perspective, moving forward, the citywide perspective?

**Santner:** We have a very extensive community involvement process and community members that participated in this process agree that this is a regional park, and people -- voices from the rest of the community need to be included as part of this process. So that's our plan to make sure that there are people from other parts of --

**Larson:** We'll be reaching out across the city.

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**Larsons:** We got involved in this because we live near it, but we're conscious it's a regional park and that the maintenance facility is central to the maintenance of the entire park system and that a lot of voices need to be heard. So we want to take a close look with as much community input as we can get as to whether -- as to how that system -- the overall system should work, and what the role is that the central yard should be playing in that. The horticultural facilities is really an important aspect of that. That's where things -- that was situated there a century ago on the south slopes of mount tabor for a very good reason, because you can grow plants there. We need people from other areas of the city, and there will be.

**Adams:** I guess the final question for now is, in the resolution, i'm looking for the language that memorialize parts of your testimony or your testimony that we will improve working conditions out there. And I just want to know, in my read of it -- I think that's a given, an important -- and maybe my colleagues don't agree, but I think it's a given to this process. Is it in here and I missed it?

**Santner:** That's the intent, commissioner. I can't really say whether we have it verbatim there, but definitely that is the intent.

#### ***QUESTIONS BY COMMISSIONER LEONARD:***

**Leonard:** I want to ask some questions but, for those that are new to this issue or maybe watching by tv, I don't want them to think that I am questioning in any way your commitment on the parks bureau or what the neighborhood said or and somehow overly skeptical, because I think, after I give you some background into why i'm going to ask the questions, I am -- it should be apparent to anybody watching that the questions i'm asking need to be asked and they need to be answered. I've learned on the council here, just in globally voting on these kinds of process here, that when the vote comes back and I ask questions about it that the criticism towards me is, why did you agree to vote for this process in the first place if you're not going to agree to it? That hasn't been an effective argument for me not to do whey want to do, but it has been an argument, so i'm going to diffuse that right now by saying that whatever you come up with is your recommendation, and I reserve the right to support or not support as I use my own judgment and experience. And I just want that on the record. Second, if we had any group coming forward to ask for any funding to do any research, I would say what I just said. But specific to this particular process, very specific, so that those that are watching and listening understand the context, this has been -- this site has been what I would call the subject of really an embarrassing process on the part of the city, and to the extent i'm part of the city, i'm not happy about it. But in spite of repeated e-mails and personal visits and meetings I went to from the mount tabor residents a couple years back claiming, with no supporting documentation, that any discussions that were going on to sell the maintenance yard to anybody but specifically to warner pacific college and repeated reassurances to me by the parks bureau a year ago, the neighborhood association asked a freedom of information act request if there are any documents related to discussions, and sure enough they came up with a memorandum of understanding that was signed by the director of parks and president of the warner pacific college committing to selling the property by november 16th, 2006. So I guess you could say that these questions are based on fool me once, shame on you. Fool me twice, shame on me. So i'm going to be real clear what I vote on here today, and I hope that people understand that and they're very responsive to the questions that I ask, 'cause I don't want to have to belabor this point, but I want to be clear that the parameters are as you've represented them to be. As commissioner Adams just pointed out, what you've said you want to have happen and what the resolution says are not the same thing, and I am as concerned about that as commissioner Adams. I want to remind folks that, when this came up last november, I brought forward a proposal to give over and above the park bureau's regular budget over \$600,000 to improve facilities for parks bureau's employees. So to

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**Leonard:** If I can interrupt you, I want to address that point. And I appreciate that. As I reminded you when you told me that in our meeting, the council took off the table buying and selling the property. So we didn't say let them discuss that. And I guess I'm just concerned that if we've agreed we're not going to have the property sold, why wouldn't we just take the next step and say or leased, and leave it at that and have all your time and energy do what I think is great work, redesigning what the highest and best use of that piece of property is in terms of the maintenance facility.

**Larson:** And somebody used that term. Highest and best use --

**Leonard:** The maintenance facility.

**Larson:** I know, but when -- all of these things are open to best interpretation. Someone said highest and best use, someone said wait, that means development --

**Leonard:** It does. Take the property you're looking at and for the purposes of a maintenance facility, what is the best way to design it and create it in a way that fits on the property the best.

**Larson:** And that's -- forgive me, because I haven't done this before. Wrote a public involvement plan, which is attached to this resolution. And I don't know whether -- it seems to me it's at least on the record. I don't know whether it's part of the resolution proper or not. But the public -- we were very careful in the way that we wrote that public involvement plan to say that the first issue is exactly as commissioner Saltzman outlined in his opening remarks. The first issue is with the presumption that the maintenance yard stays, we will look at the maintenance yard and how it works and what its best function is there and how it can be best made to work. We want the workers to tell us how it works best for them. That is the presumption. We do that first and then and only then do we look at what kind of corollary uses might be had. So I think that's the way the public involvement plan is written. That the maintenance yard is presumed to stay, and I think there is no will within the community. I sat through a lot of hours of discussion about this thing. And I'm known in the neighborhood as an advocate for every voice being heard. In our neighborhood association in all of our community meetings, in any conversation I've had with anybody in the city about this issue, nobody says to me, well, why not a lease? I know could you say, if it's not an issue, why not just dispose of it?

**Leonard:** You're not the one I need to hear from. I need to hear the director of the parks and the commissioner of parks say here there is no current discussions, there is no plan, there's no contemplation, there's no informal discussions to lease the property. I need to hear that. And I'm hearing John is doing a lot of talking and I'm not hearing a lot --

**Saltzman:** I'll say that. There are no current plans discussing leasing of this property.

**Leonard:** There's no discussions, no emails, maybe in this property you can bring it up?

**Saltzman:** This process is designed to allow people to bring all options to the table. So that doesn't preclude somebody bringing the option up.

**Leonard:** I'm just saying a discussion about that as a strategy.

**Saltzman:** There is no discussion about that as a strategy.

**Leonard:** I will take that on its face.

**Adams:** You agree, Zari?

**Santner:** Absolutely.

**Leonard:** I'm giving a lot of benefit to what you're saying, John. In trying to get myself to a place where I can support this. Because I hear what you're saying, but I hope you're hearing my concerns and experience and I just want -- I do not want at the end of this process for there to be a meltdown. And I've seen it happen in this neighborhood a number of times. And I'm just not going to do anything that plays into that if I have some reason to think that that's possible. And that's the only reason I'm raising these concerns.

**FINAL QUESTIONS BY COMMISSIONER ADAMS:**



**Adams:** I want to try to get a little more clarity around what would -- the kind of work that would be completed with the master plan update, vis-a-vis the yard and whether or not at the end of that expenditure and process where that would be a facilities plan so it's kind of a geeky question, would we have something from there to go into preliminary engineering, or would that constitute preliminary engineering?

**Santner:** Very good question, commissioner. This process as John mentioned, will start with evaluating all of our needs, central maintenance facilities and horticultural needs at the site. What our current needs are and as I have mentioned before, before this council, last time we work on this facility was over 50 years ago. So we know if we do something that's going to last another 50 to 100 years. So we want to make sure we plan for the future as well. So we'll start with preliminary engineering in architectural terms concept schematic plan. So at the end of this process we will have a blueprint that tells us where these facilities fit, how, are they one stories, two stories, and are there ways we could improve efficiencies, or considering the historic preservation of some of the buildings on the site, are there opportunities to configure this in a way that would give us more space, safety is a huge concern in terms of movement in the Yard. So these are the things that the process would include. So in the end we will have a blueprint that could tell us how much it would cost to improve or as commissioner Leonard mentioned, we build this facility, and how can we phase it if it's a substantial price tack. Are we going to do it all lump sum or can we phase it? So that's what our intent is. And as John mentioned, if through this process we're able to economize in space, and there are space leftovers, what are the things we could do?

**Adams:** How -- again, it might be here and I missed it, how big is the committee?

**Santner:** We haven't formed a committee yet. But definitely we'll include people or those people who are willing, the 16 people who were involved in this process.

**Saltzman:** The mediation people was about 16 people. This process would be --

**Santner:** Bigger, right.

**Adams:** Thank you.

#### ***PUBLIC TESTIMONY BY NEIGHBORS AND PARKS YARD STAFF:***

**Potter:** Thank you, folks. How many folks have signed up to testify?

**Karla Moore-Love, Clerk:** We have 15 people to signed -- signed up to testify.

**Potter:** Can I ask folks to keep their remarks to two minutes? We have a number of other things on the agenda.

**Potter:** You each have two minutes.

**Alfred M. Staehli:** I am Alfred Staehli, I'm a retired architect, a Mount Tabor resident and a member of the Mount Tabor neighborhood association. I support the resolution on upgrading a Mount Tabor park master plan. The following remarks address the significance and integrity of the Mount Tabor park central maintenance yard nursery and the long block, briefly referred to as Tabor yard. The present importance of the yard has -- as has been conducted there'd for the past 100 years or more. The Tabor yard and horticultural -- horticultural program was -- was continued by a successor superintendent Kaiser. The program's work propagated the trees, shrubs, and flowers for the finished landscaping and maintenance of all of the parks and for displays for official ceremonies and observances by the city, rose festival, fleet week, holidays, memorials, city hall and council lobby and office displays, the Pittock mansion, receptions for visiting dignitaries, transit mall planners, and for the appropriate plants for storm water disposal, bioswales, and for the restoration of reclaimed wetlands along Johnson Creek and other areas of Portland. Tabor yard and the horticultural program has been inseparable from the maintenance and beautification of Portland's image. I just have a few more to finish. It has been recognized for its excellence. The yard's



STATE MAP									
STATE I.D.: 1S2E05BB -11000 -				ANNEXATION NUMBER:		TAX STATUS: NONTAXABLE			
*****									
ACCT NUMBER R-22500-0570 11/15/97				STATUS		LEGAL DESCRIPTION			
NAME PORTLAND CITY OF		TAD DIV		DIVISIONC050495		ADD-EAST LYNNE		LOT	
YR-AQ-L29		YEAR APPRAISED - 94		TL 11000		1-5		9	
BK/PG-0000/0000		VCHR # ACT-951551		VCHR # DIV-951551		TRUE CASH VALUE OR REAL MARKET VALUE OR SPECIALLY ASSESSED			
MAIL		IMPS CHARACTERISTICS		YEAR		CHG-DATE,CD		LAND IMPROVEMENT	
1120 SW 5TH AVE		CLASS-		95/96		08/30/95 T		\$23,400	
PORTLAND OR		USE-VAC LND		96/97		08/28/96 T		\$27,100	
PROP		CONS-		97/98		07/14/97 T		\$29,000	
PORTLAND, OREGON		STORIES-		ARCH-		ASSESSED VALUE BEFORE EXEMPTION			
OLD MAP- 3137		CENSUS TRACT-000.00		NEIGHBORHOOD 132		YEAR		SRZ	
LEVY/CODE-001		LIVING AREA-		YR BUILT-		95/96		100.0	
LAND CHARACTERISTICS		STATE RATIO-		96/97		100.0		\$27,100	
RATIO CODE- 170 3 -APPR DISTRICT		AREA- 5,443 SF ZONING-R5		97/98		100.0		\$29,000	
						EXEMPTIONS			
						YEAR		TYPE	
						95/96		04	
						96/97		04	
						97/98		04	
						EXEMPTIONS ASSESSED VALUE			
						YEAR		SRZ	
						95/96		100.0	
						96/97		100.0	
						97/98		100.0	
						TAXABLE VALUE			
						YEAR		SRZ	
						95/96		100.0	
						96/97		100.0	
						97/98		100.0	
ACCT. NUMBER R-22500-0570 01/15/98 ***** T A X I N F O R M A T I O N *****INTEREST TO 01/15/98*****									
RECEIVABLE				LEVIED		TRANSACTIONS			
YEAR	TAXES DUE	TAXES LEVIED	TAXABLE VALUE	RATE	YEAR	CODE	DATE	RECEIPT BATCH	TRAN AMOUNT I/D I/D AMOUNT

ASSESSOR DATA on specific Parcels making up PARK  
other side

ESSED  
OTAL  
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200

OTAL

OTAL  
000  
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200

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OUNT  
0.74

2.50

7.66

16.14

16.83

15.58

10.83

15.58

11.11

10.06

16.35

10.26

SiteName	Address	Zip	Quartersection	TAXACCT	StateID	ADDITION/SECTION
Mt. Tabor Annex	511 SE 60th @ Stark	97215	3036, 3136	R-99206-0010	1S2E06AA 7300	SECTION 06, 1S2E TL 7300
Mt. Tabor Park	SE 60th & Salmon	97215	3136, 3137	R-22500-0570	1S2E05BB 11000	EAST LYNNE LOT 1-5 BLOCK 9
Mt. Tabor Park	SE 60th & Salmon	97215	3237	R-57430-0960	1S2E05CC 8800	MITTLEMAN ADD EXC W 730' LOT 20 BLOCK 3
Mt. Tabor Yard	6437 SE Division	97215	3237	R-99205-0130	1S2E05 100	SECTION 05, 1S2E, TL100



**CONFIDENTIAL**

**M E M O R A N D U M**

**D R A F T**

April 28, 2006

**TO:** ROBIN GRIMWADE  
JANET BEBB

**FROM:** HENRY KUNOWSKI

**SUBJECT:** MT. TABOR PARK AND MAINTENANCE YARD

**BACKGROUND:** Mt Tabor Park and Nursery and Maintenance Yard (Yard) where listed on the National Register of Historic Places in the fall of 2005. Listing on the National Register (NR) carries with it the possibility of a City of Portland Landmark designation. In the recent past, Portland Parks and Recreation (PP&R) did not oppose the local designation of Mt Tabor Park & Yard. The historic status of these designations also contains regulatory impacts that can significantly influence decision-making regarding future actions that may adversely affect the historic character-defining features of the park. In essence, each designation carries the same basic regulatory oversight as defined in the City of Portland Chapter 33.445 – Historic Resource Overlay Zone and, Chapter 33.846 – Historic Reviews. Refer to the April 17, 2006 Memo: *PP&R Historic Resources landmark Status Implications* for a more in depth discussion of regulatory issues concerning PP&R property. The central focus of this memo is the Mt Tabor Yard.

The NR listing of Mt Tabor Park and Yard is framed in a historic period of 1888 to 1939. The Yard portion of the park site is the key factor that led to the late date (1939) for the period of significance due to the 1918 and 1933 date of (3) structures. The NR lists both “contributing” and “non-contributing” resources in the Park and Yard. It is primarily the contributing resources that are subject to regulation however, any significant change on the site can be subject to regulation such as major alteration or demolition. The Yard contains (3) contributing and (7) non-contributing structures. The (3) contributing buildings are; 1) Office-Horticultural Services Building, pre-1918, 2) Administrative Building & Addition, 1938 and, 3) Mechanical Offices Building (Community Garden Building), 1939, see attached map from National Register listing.

**ISSUE:** PP&R desires to relocate and redistribute the Yard’s function to more appropriate locations to provide operational efficiencies and professional office space for Yard staff. Relocation of the Yard to new locations would render the current site operationally obsolete and therefore, subject to consideration for alternative use scenarios. In consideration of relocation, the potential impact on the site’s historic designation will need to be addressed. The site’s alternative use scenarios could take many forms and the process for landmark review and action varies with each alternative. For the purposes of discussion, 2 alternative uses are explored; each contains some aspect of demolition, rehabilitation and/or development.

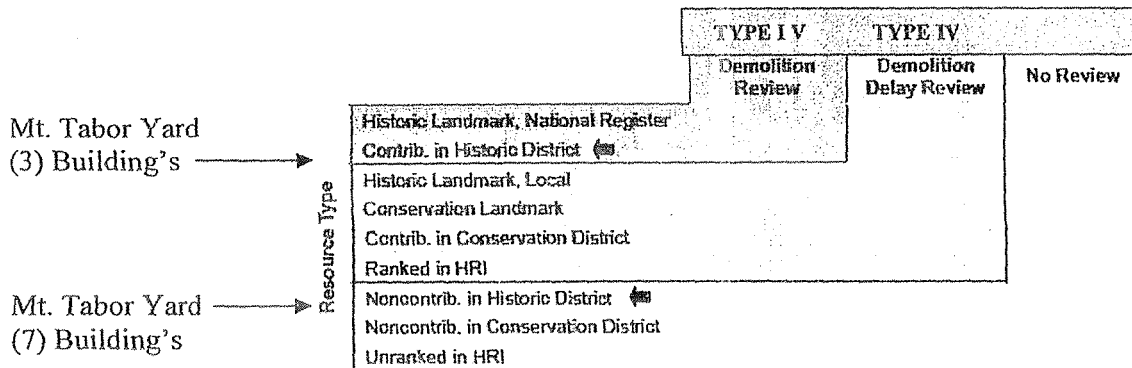
1. Removal of all non-contributing buildings and structures
  - a. In-fill with developments and building rehabilitation
2. Removal of all buildings and structures
  - a. New developments
  - b. Non-park related uses (OS Zone related requiring a land-use zone change) NOT DISCUSSED

**Administration**  
1120 SW Fifth Ave., Suite 1302  
Portland, OR 97204  
Phone: (503)823-PLAY Fax: (503)823-6007

**Strategy, Finance and Business Development Division**  
Phone: (503) 823.5588 Fax: (503) 823.5570  
[www.PortlandParks.org](http://www.PortlandParks.org)  
Zari Santner, Director

## Demolition or Relocation of Historic Resources

Demolition review protects resources that have been individually listed in the National Register of Historic Places and those that have been classified as contributing in the analysis done in support of a Historic District's creation. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.



**Type IV - Demolition/Relocation BDS Staff Recommendation to City Council, appeal to LUBA.** The review is a flat fee of \$5,438.

**Demolition Review.** Requests for demolition of resources *individually listed* on the National Register of Historic Places and *contributing structures* in National Register-listed historic districts require this discretionary land use review. However, non-contributing structures do not require review. The City has the authority to deny the request or place conditions on approval. The Demolition Review process also gives the public an opportunity to comment on the proposed demolition and allows for pursuit of alternatives to demolition or actions that mitigate for the loss. In this Type IV land use review, the Historic Landmarks Commission advises City Council, which may either approve, approve with conditions, or deny the request. Council will approve a request to demolish the resource if the applicant can show that *either*:

1. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan and relevant area plans. Based on taking into account factors such as: the merits of proposed new development on the site, the merits of preserving the resource, and the area's desired character; or;

2. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site. In essence, the applicant must argue that demolition of the resource (and redevelopment of the site) meets a public purpose, as found in applicable adopted plans, that outweighs preservation, or, that preventing demolition creates an unreasonable economic hardship because preservation or rehabilitation is not economically viable. In order to help the City evaluate such a claim, supportive documentation is required, such as studies of the structural soundness of the structure, the economic feasibility of restoration, renovation, or rehabilitation, and a summary of the extent to which the applicant explored the available historic preservation incentives and programs. If City Council approves a request, a demolition permit will not be issued until a permit for a new building is issued for site. This not only prevents replacement of historic resources with surface parking or a vacant lot, but also provides the mechanism for enforcing any conditions placed on the demolition review approval.



1. A statement that a demolition permit may be issued 120 days after application was made for demolition, and the date that the permit will be issued.

(3) Removal of the posted notice. The posted notice must not be removed until the demolition permit is issued. The posted notice must be removed within 30 days of the issuance of the demolition permit.

a. Mailed notice.

(1) Notice to recognized associations. Within 14 days of receiving the application for a demolition permit, the Director of BDS will mail a notice of the proposed demolition to all recognized organizations within 1,000 feet of the site of the resource and to the State Historic Preservation Office. If the proposal is to demolish a resource in a Conservation District or Historic District and the district has a Historic Advisory Committee that has been recognized by the neighborhood association, notice will also be sent to the Historic Advisory Committee. The notice will include the same information as in Subparagraph B.1.b, above.

(2) Notice to other interested parties. The Director of BDS will maintain a subscription service for organizations and individuals who wish to be notified of applications for demolition of historic resources subject to demolition delay review. There is a fee for this notification service. Within 14 days of receiving the application for a demolition permit, the Director of BDS will mail a notice of the proposed demolition to all subscribers. The notice will include the same information as in Subparagraph B.1.b, above.

3. Decision. The Director of BDS will issue the demolition permit 120 days after receiving the application if the following requirements have been met:

a. Photographic documentation. The applicant must submit photographs of the features of the resource that were identified when the resource was nominated, designated, placed within a Historic District or Conservation District, or placed on the Historic Resource Inventory. BDS will retain a copy of the documentation for the purpose of public information.

b. Response to offers of relocation or salvage. The applicant must submit a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.

### **33.846.060 Historic Design Review** (should the site continue to be considered historic)

**A. Purpose.** Historic design review ensures the conservation and enhancement of the special characteristics of historic resources.

**B. Review procedure.** Procedures for historic design review are as follows:

1. Neighborhood Contact Requirement. Proposals listed in Subparagraph B.1.a, below, must complete the steps in Subparagraph B.1.b before applying for historic design review.

a. Proposals subject to the Neighborhood Contact Requirement. The following proposals are subject to the Neighborhood Contact Requirement, as specified in Subparagraph B.1.b, below, if they are in the

b. Alternative Design Density Overlay Zone; in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:

(1) Proposals that create more than three new dwelling units. Dwelling units are created:

\* As part of new development;

\* By adding net building area to existing development that increases the number of dwelling units;

\* By conversion of existing net building area from nonresidential to residential uses; and

(2) Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or

(3) Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

b. Steps. The steps are:

(1) The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. The neighborhood association should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact.

If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 30 days, the applicant may apply for historic design review without further delay. The

2  
restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation;

2. Statements from developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of existing structures or objects;
3. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects for alternative use, or a statement that none were obtained;
4. A summary of the historic preservation incentives and programs available and the extent to which they were explored by the applicant;
5. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
6. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years;
7. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or a statement that none were obtained;
8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four years, or a statement that none were obtained;
9. Itemized income and expense statements for the property for the previous two years;
10. Estimate of the cost of the proposed demolition; and
11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

**C. Exceptions.** The Director of BDS may waive items listed if they are not applicable to the specific review and the applicant may choose not to submit any or all missing information requested by the Director of BDS, as specified in Section 33.730.060.

### **33.445.810 Demolition Delay Review.**

**A. Purpose.** Demolition delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage.

**B. Procedure for Demolition Delay Review.** Demolition delay review is a non-discretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.

1. Application. The applicant must submit an application for a demolition permit.

2. Notice of application.

a. Posting notice on the site. Within 14 days of applying for a demolition permit, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:

(1) Number and location of posted notices. Notice must be placed on each frontage of the site occupied by the historic resource proposed for demolition. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way;

(2) Content of the posted notice. The notice must include the following information:

a. The statement, "Structure to be demolished;"

b. The statement, "Demolition of this structure has been delayed to allow time for consideration of alternatives to demolition. Alternatives to demolition might include restoration, relocation, or architectural salvage;"

c. The address of the structure proposed for demolition;

d. The name, address, and telephone number of the owner or the party acting as an agent for the owner;

e. The date of the posting; and



### **Demolition Delay Review**

Applicable to locally designated resources, this non-discretionary administrative process requires a 120-day delay period to allow time for consideration of alternatives to demolition, such as restoration, relocation, or salvage. Photographic documentation of the resource and evidence that the applicant responded to any relocation or salvage offers is required. The City has no authority to deny demolition after the delay.

**CONCLUSION: YARD and SITE REDEVELOPMENT SCENARIO'S** (NOTE: The conclusion presented here are those based on staff interpretation of the land use code. This interpretation has not been vetted by Bureau of Development Services staff at this time although a request for interpretation is pending. For a detailed read of the Land Use Code see attached Appendix A: Chapter 33.445.330 Demolition of Historic Resources in a Historic District

**1. Removal of all non-contributing buildings and structures (7). In-fill with developments and contributing building rehabilitation (3).** No Demolition Review is required for non-contributing resources in a Historic District however, Historic Design Review is required for new developments. This action is either a Type II; BDS Staff or Type III, Historic Landmarks Commission (HLC) review since the level of adverse effect of the demolition could be viewed as a major alteration in a District. If the review is a Type II or III then the HLC process is open to public comment. This would most likely effect the outcome of the quasi-legislative process through either the HLC action for denial of demolition with possible PP&R appeal to City Council or approval of the action with public appeal to the City Council. If an appeal is put in motion, it could delay any action for 120 days up to 180 days or more. If the demolition request is granted, any new development will be subject to Historic Design Review for design compatibility with the District's remaining (3) resources that are left in place.

**2. Removal of all buildings and structures and new developments.** Demolition reviews are processed through a Type IV procedure. Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:  
(The review is a flat fee of \$5,438)

1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; or
2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans.

The evaluation may consider factors such as:

- a. The merits of demolition;
- b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
- c. The effect demolition of the resources would have on the area's desired character;
- d. The effect that redevelopment on the site would have on the area's desired character;
- e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
- f. Any proposed mitigation for the demolition.

PP&R and the City Council could find support for this proposal in various Comp Plan and relevant internal PP&R policies, particular as they deal with infrastructure and the recent 2006-07 budget note for the feasibility of a new set of Zone Management and City Nature operational facilities, the public interpretation may not be as supportive.

## APPENDIX

### A

#### **33.445.330 Demolition of Historic Resources in a Historic District**

Historic Landmarks in a Historic District are subject to the regulations of Section 33.445.150. Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

(MEMO NOTE: No Demolition Review is required for non-contributing resources in a Historic District however, Historic Design Review is required for new development)

##### **A. Demolition review.**

1. When demolition review is required. Unless exempted by Subsection B, below, demolition of a historic resource in a Historic District is subject to demolition review if:

a. It is a structure that was classified as contributing in the analysis done in support of a Historic District's creation; or

b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:

a. The decision in the demolition review is final;

b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and

c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

**B. Exempt from demolition review.** Historic resources in Historic Districts are required to be demolished because of the following are exempt from demolition review:

1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

#### **33.445.800 Types of Reviews.**

There are two types of review that may be required before a historic resource is demolished. Other sections of this chapter describe when each review is required. The types of review are: **Demolition Delay Review.** See Section 33.445.810 & **Demolition Review.** See Section 33.846.080.

#### **33.445.805 Supplemental Application Requirements.**

**A. Applicability.** In addition to the application requirements of Section 33.730.060, a demolition review application requesting approval based on criterion 33.846.080.C.1, or on both 33.846.080.C.1\* and 33.846.080.C.2,\* (see page #XX) requires two copies of a written statement that includes the information listed in Subsection B. An application requesting approval based solely on criterion 33.846.080.C.2 requires two copies of a written statement that includes the information listed in Paragraphs B.1 through B.4. Applicants may also submit any additional information relevant to the specific review and approval criteria.

##### **B. Application requirements.**



neighborhood may schedule the meeting with its board, the general membership, or a committee. The purpose of the meeting is to allow neighborhood residents and the developer to discuss concerns about the design of the proposal. The focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

(2) After the meeting and before applying for historic design review, the applicant must send a letter to the neighborhood association. The letter will explain changes, if any, the applicant is making to the proposal's design.

c. Copies of both letters required by this paragraph must be submitted with the application for historic design review.

2. For Historic Landmarks, including those in Historic Districts or Conservation Districts:

a. Proposals for alterations of a landmark-designated interior public space if the value of the alteration is more than \$325,600 are processed through a Type III procedure.

b. Proposals for alterations of a landmark-designated interior public space if the value of the alteration is \$325,600 or less are processed through a Type II procedure;

c. Proposals for the installation of mechanical equipment on the exterior of a building are processed through a Type I procedure;

d. Proposals for the installation of new or replacement awnings are processed through a Type I procedure; and

e. The following proposals in C, E, I, and RX zones are processed through a Type I procedure:

(1) Signs less than 150 square feet in area; and

### **\*33.846.080 Demolition Review**

**A. Purpose.** Demolition review protects resources that have been individually listed in the National Register of Historic Places and those that have been classified as contributing in the analysis done in support of a Historic District's creation. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.

**B. Review procedure.** Demolition reviews are processed through a Type IV procedure.

**C. Approval criteria.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

1. **Denial of a demolition permit** would effectively deprive the owner of all reasonable economic use of the site; or

2. **Demolition of the resource** has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. The evaluation may consider factors such as:

a. The merits of demolition;

b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;

c. The effect demolition of the resources would have on the area's desired character;

d. The effect that redevelopment on the site would have on the area's desired character;

e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and

f. Any proposed mitigation for the demolition.

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# CITY OF PORTLAND, OREGON BUREAU OF PLANNING

VERA KATZ, MAYOR  
GIL KELLEY, DIRECTOR  
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E-mail: pdxplan@ci.portland.or.us

October 27, 2004

**SUBJECT: Historic Resources Code Amendments Project, Phase 2**

Dear Interested Citizen:

On October 21, 2004 the City Council approved Ordinance No. 178832, which adopts the *Bureau of Planning Recommended Historic Resources Code Amendments Phase 2* report and its appendices. In adopting this ordinance, the Council specifically:

1. Adopted Exhibit A, the Bureau of Planning Recommended Historic Resources Code Amendments Phase 2 report and its appendices, dated July 16, 2004, and revised September 15, 2004, and as amended by Exhibit B.
2. Amended Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, as shown in Appendix D of Exhibit A, as amended in Exhibit B.
3. Established a new Type IV Demolition Review procedure for applications for demolition review of resources that are: individually listed in the National Register; contributing resources in Historic Districts; resources that have taken advantage of an incentive for historic preservation; and/or resources that have a preservation agreement. The specific amount of the fee is to be set by the Bureau of Development Services (BDS).
4. Adopted the commentary in Exhibits A and B as legislative intent and as further findings.

The Council declared that an emergency existed because important and irreplaceable historic resources could be lost unless the new provisions became effective immediately. Therefore, Ordinance No. 178832 was declared in full force and effect from and after its date of passage on October 21, 2004.



Nick Fish, Commissioner  
David G. Shaff, Administrator

1120 SW 5<sup>th</sup> Avenue, Room 600  
Portland, Oregon 97204-1926  
Information: 503-823-7404  
[www.portlandoregon.gov/water](http://www.portlandoregon.gov/water)



**In order to comply with federal and state mandates, and ensure a healthy, resilient, and secure water system, the Portland Water Bureau is moving forward with a project to disconnect the Mt. Tabor reservoirs from the distribution system.**

### ***City Council Hearing***

The City Council hearing for Land Use Application LU 14-218444 HR EN Mt. Tabor Reservoirs Disconnection will be held on May 28, 2015 at 2 pm in City Council Chambers. See the Bureau of Development Services calendar on the Auditor's Office [website](#). At this time, City Council members will hear public testimony and possibly vote to tentatively approve or deny the application.

### ***Hearing Process***

The City Council will serve as a quasi-judicial review body, in accordance with Zoning Code under [Chapter 33.730 - Quasi-Judicial Procedures](#). At the hearing, the City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record; or the Council may make a tentative action and direct that proposed findings and a decision be prepared.

### ***Public Comments***

The public is invited to comment. Comments for consideration by City Council at the upcoming appeal hearing can be e-mailed to [Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov) and [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov) faxed to 503-823-5630, or mailed to:

Hillary Adam  
Land Use Services, Bureau of Development Services  
RE: LU 14-249689  
1900 SW Fourth Avenue, Suite 4500  
Portland, OR 97201

Comments will also be taken as testimony at the hearing on May 28, 2015.

### ***Brief History of this Land Use Review***

The City of Portland's Land Use Review process, administered by the [Bureau of Development Service](#) (BDS), is designed to provide the public with appropriate notification, information, and opportunities to comment before final land use decisions are rendered.

The Portland Water Bureau applied for this land use review last fall, and completed the application on October 24, 2014. BDS then reviewed and determined the Land Use Review application was complete and scheduled the first of several hearings.

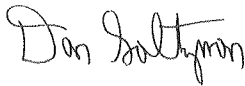
Portland is blessed with one of the best drinking water sources in the world. Therefore, the city will continue its strong advocacy in support of the Bull Run sourcewater treatment variance under a separate LT2 provision.



Charlie Hales  
Mayor



Nick Fish  
Commissioner



Dan Saltzman  
Commissioner



Steve Novick  
Commissioner





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CITY OF

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**PORTLAND, OREGON**

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**Charlie Hales, Mayor**  
Amanda Fritz, Commissioner  
Nick Fish, Commissioner  
Dan Saltzman, Commissioner  
Steve Novick, Commissioner

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MONDAY, JUNE 3, 2013 – The City of Portland has been turned down several times over the years in its request to avoid or delay complying with public health requirements regarding open drinking water reservoirs. In May 2013, the Oregon Health Authority refused our latest request for a delay.

Faced with no other legal options and with deadlines looming, the city will move forward to meet the compliance timeline.

In approving the 2013-14 budget, we will continue moving forward on a multi-year plan for Portland's drinking water reservoirs.

The Environmental Protection Agency rule – known as the Long Term 2 Enhanced Surface Water Treatment Rule, or LT2 – is an unfunded federal mandate to not use uncovered reservoirs to store finished drinking water in order to reduce the risk of exposure to contaminants.

The city has been fighting LT2 since its inception.

- In 2006, the city appealed the EPA rule in federal court and lost.
- In 2009, the city sought EPA guidance on how to obtain a variance, and was told no variance was possible.
- When the EPA later moved regulatory oversight to the Oregon Health Authority, the city again asked for a variance and was turned down.
- In 2011, the city asked the state if a variance was possible and was told it was not.
- Later in 2011, the city asked the state to suspend enforcement of the provision until federal regulatory review was completed, and was turned down.
- In 2012 and again in 2013, the city asked the state for a delay. The city was turned down each time.

The reservoirs at Mount Tabor will be disconnected when new reservoirs, being constructed at Powell Butte and Kelly Butte, are completed. This is projected to take effect by December 31, 2015.

At Washington Park, one reservoir will be decommissioned and the other renovated and covered, gaining a reflecting pool similar to the current appearance atop the buried tank.

We are looking to the community to help us preserve these historic structures, and will conduct an inclusive public process to plan the future of our world-class parks. Recognizing the impact that compliance will have on rates, we will heighten scrutiny of all capital projects and contracts to keep rate increases as low as possible.

Portland is blessed with one of the best drinking water sources in the world. Therefore, the city will continue its strong advocacy in support of the Bull Run sourcewater treatment variance under a separate LT2 provision.



Charlie Hales  
Mayor



Nick Fish  
Commissioner



Dan Saltzman  
Commissioner



Steve Novick  
Commissioner

# DRAFT technical memorandum

date May 7, 2008

to Jon Makler, Portland Parks and Recreation

from Tom McGuire, ESA Adolfson

subject FIRST DRAFT Mount Tabor Park Maintenance Yard and Master Plan—Land Use and Historical Issues

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**Comment [jtm1]:** Tom, in the interest of time, I'm commenting throughout and sending my marked up version to you and members of the committee so that they can also be prepared for tomorrow's meeting.

ESA Adolfson has prepared this memo identifying potential land use and historical issues for the Mount Tabor Maintenance Yard Improvements and Master Plan update for Portland Parks and Recreation (PPR). The proposed maintenance yard improvements are subject to the zoning regulations of the City of Portland as administered by the Bureau of Development Services (BDS). In drafting this memo, ESA Adolfson staff reviewed all available project information and maps along with the City's Title 33 zoning regulations to assess land use and historical issues and potential environmental constraints.

## Project Context

Mount Tabor Park and the PPR facilities within the Park are all within a City Open Space base zone (OS). Base zones are the bottom layer of the City's zoning pyramid and are either open space, residential, commercial, or industrial. The OS zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. Mount Tabor Park and the PPR maintenance yard facilities have developed jointly on the site since the turn of the 20<sup>th</sup> Century.

In September of 2004, Mount Tabor Park was listed on the National Register of Historic Places by the US Department of the Interior, National Park Service. The City of Portland also designated Mount Tabor Park as a Historic Landmark in conformance with the regulations of the Portland Zoning Code (Section 33.445.100).

Portions of Mount Tabor Park are also within the city's Environmental Conservation Overlay Zone (ec-zone). The purpose of the ec-zone is primarily to protect natural resources and functional values, such as native forests and wildlife habitat that have been identified by the City as providing benefits to the public.

Based on the types of activities taking place at the maintenance yard, BDS considers the use at the site to be within the Industrial Services Use Category, as defined in the zoning code (33.920.300). The nursery activities have been determined by BDS staff to fall under the Agriculture Use Category.

## OS Zone

Within the OS zone, agriculture uses are allowed outright. However, within the OS zone, industrial service uses are prohibited. The PPR maintenance yard facility on Mount Tabor has

**Comment [jtm2]:** Has BDS issued memos? We definitely want documentation if formal positions have been taken. Alternatively, we should be clear that this is one interpretation offered by staff.

2

been there in some form since before the OS zoning was applied (1990) and before the City's first complex zoning code (1950), and has been maintained there over time. Situations where a use was in place before the City applied the base zone, and the base zone would prohibit any new use in that same category, are called nonconforming situations. Nonconforming situations are allowed to continue but not to expand within their base zone without a land use review.

The proposed changes to the maintenance yard are not prohibited but will have to be approved through a land use review. This is called a Nonconforming Situation Review and is processed through a Type II procedure. A Type II Land Use Review is processed in approximately 55 to 60 days from the time a complete application is submitted to the City. There is public notice to all property owners within 400 feet of the project site, a 28-day review period, and a 14-day appeal period (see attached process timeline).

#### Clarification of Terminology

There are two types of nonconforming situations that occur at the maintenance yard. First, there is the nonconforming use—the industrial service activities of the yard. Second, there is the nonconforming development—the physical structures that do not meet current code requirements such as access for people with disabilities, parking lot landscaping and dimensions, and stormwater management. The remainder of this technical memorandum is primarily concerned with the nonconforming use aspects of the site and not nonconforming development. Any nonconforming development issues will be called-out specifically as they arise.

#### Nonconforming Situation Review

The Nonconforming Situation Chapter, 33.258, outlines the circumstances under which a nonconforming situation review is required, describes the procedures of the review, and states the approval criteria that must be met to have the reviewed approved. The nonconforming situation chapter sections relevant to the Mount Tabor Yard that describe when a nonconforming situation review may be required are as follows:

##### 33.258.050 Nonconforming Uses

- A. **Continued operation.** Nonconforming uses may continue to operate. Changes in operations are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into the period of 11 pm to 6 am.
- B. **Change of use.** (not applicable)
- C. **Expansions.** Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion. Examples of expansion of floor area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of floor area occupied by a nonconforming use within an existing building. Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming. The property lines are the lines nearest to the land area occupied by the nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or ownership may have property lines within it. See Figures 258-1 and 258-2. The applicant must

**Comment [jtm3]:** This comment applies in several places: While in-kind redevelopment is the purpose of the project, no actual changes have yet been proposed. I think we need language at this stage that conveys the preliminary status of the project. I don't think this changes the rest of the paragraph here or elsewhere but I don't want anybody thinking that PP&R or the Planning Group have proposed any designs at this stage!

**Comment [jtm4]:** It's ok that these aren't included in the draft but let's make sure to have a look at them soon.

**Comment [jtm5]:** Is there a word missing here?

**Comment [jtm6]:** Is it useful to explain why it's not applicable or is that a waste of space? I'm more comfortable with a sentence here than a simple assertion.

An alternative to the nonconforming situation review for the maintenance yard is a Comprehensive Plan Map Amendment and Zone Change from the current OS base zone to a base zone that would allow Industrial Service uses. The General Employment (EG1) zone is the least intensive base zone option that would allow an Industrial Service use outright. The EG1 zone allows a wide range of employment uses without potential conflicts from interspersed residential uses. The emphasis of the EG1 zone is on light industrial and industrially related uses.

The negative aspects of a Comprehensive Plan Map Amendment and Zone Change are rather severe. The cost of the land use review application alone is over \$20,000. Changing a portion of Mount Tabor Park from an open space zone to an employment zone would likely cause serious concern to many neighbors. Even though the ownership of the property would not change and it would be unlikely that PPR would sell the maintenance yard after investing so much in its renovation, there would still be concern over light industrial or commercial uses moving onto that property in the future. The approval criteria for a Comprehensive Plan Map Amendment and Zone Change would be very difficult to meet because all potential uses allowed in an EG1 zone would be taken into consideration and not just the Tabor maintenance yard.

Some base zones would allow an Industrial Service use through a conditional use review. A General Commercial (CG) base zone is the least intensive option that would allow an Industrial Service use through conditional use. This option is the least favorable of all because two land use review processes would be required to approve the Tabor yard improvements, a comprehensive plan map amendment and zone change and then a conditional use. The only advantage is that a CG zone may be easier to justify in this location than an EG1 zone.

## Historic Resources

Mount Tabor Park is a designated City Landmark. Three of the structures within the Mount Tabor maintenance yard are considered to be contributing structures to the Parks historical status. Any alteration of a Historic Landmark requires approval through historic design review. The improvements to the maintenance yard and removal of the contributing structures would be considered alterations to the Landmark and will trigger an historic landmark review as stated in Section 33.445.140. The relevant sections of 33.445.140 are outlined below:

### 33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

- A. When historic design review for a Historic Landmark is required.** Unless exempted by Subsection B, below, the following proposals are subject to historic design review. Some modifications to site-related development standards may be reviewed as part of the historic design review process; see Section 33.445.050:

1. Exterior alteration;
2. Exterior alteration of an accessory structure, landscape element, or other historic feature that is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark;

The historic design review would likely be processed through a Type III process, as any alteration that will cost over \$339,300 is a Type III. A Type III Land Use Review is processed in approximately 103 days from the time a complete application is submitted to the City. There is public notice to all property owners within 1,000 feet of the project site, a 51-day review period, a

**Comment [jtm12]:** No mention of the reservoirs as an historic district...perhaps you should acknowledge it even if all you do is explain that it doesn't have legal bearing on the yard.

**Comment [jtm13]:** Perhaps examples would help a pay person understand some of these principles.

4

provide evidence to show the location of property lines as they existed two years before the use became nonconforming.

1. OS and R zones. The standards stated below apply to all nonconforming uses in OS and R zones.

- a. Expansions of floor area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met.

Code 1950  
Map 1959

ESA Adolfson's review of this chapter indicates that the maintenance yard improvements proposed by PPR would require a nonconforming situation review. A key section in the code is 33.258.050.C, outlined above. The discussion in 33.258.050.C focuses on the difference between expansions of the nonconforming use and changes in operation of the nonconforming use. The proposed improvements at the yard are a mix of changes in operation and expansions. Overall, the uses and activities at the yard are not expanding and some activities may be dispersed to other sites. For the specific requirements of the zoning code BDS will likely consider some individual activities within the yard to be an expansion and not just a change to operations. This is what will trigger the review.

Any floor area or exterior improvement area expansions would be limited to within the current property lines of Mount Tabor Park and limited to the area currently occupied by the maintenance yard. The current property lines of the maintenance yard are likely those that existed at the establishment of the zoning code.

The team designing the maintenance yard will have to account for the nonconforming development on the site. BDS will require all redevelopment to meet current code standards since the proposal is for a phased reconstruction of the whole facility. This means that parking areas will have to meet the standards for number of spaces, size of spaces, and landscaping. Other development considerations are stormwater management, site landscaping, disability access, seismic standards, pedestrian circulation, and several others (see 33.258.070.D.2)

#### Considerations

change in function

ESA Adolfson believes that it would be highly likely that a nonconforming situation review would be approved for the proposed maintenance yard improvements if presented correctly. This is based on the following aspects of the proposal:

- the activities at the yard would be reduced with some functions being dispersed to other locations
- the yard operations have been in place for a long time period and are recognized and accepted by the neighbors
- the proposed changes will improve the look and function of the facility and improve the aesthetics of the site when viewed from the park and the neighborhood
- additional amenities would be provided to park users and neighbors such as, new visitor parking facilities and park access

#### Alternative Options

**Comment [jtm7]:** Again, nothing has been proposed yet and when something is proposed, it will come from the Planning Group and therefore from both Parks and its partners in the community.

**Comment [jtm8]:** Because of the zoning distinction between industrial and agricultural, please be extremely clear whether you are referring to one portion or the site in its entirety (yard or yard and nursery)?

**Comment [jtm9]:** Sorry if this is nit-picky but I think you should employ a headings style that errs on the side of excess -- if I understand correctly, you have considerations and alternative options as sub-headings under both the OS and Historic sections?

**Comment [jtm10]:** This is one possibility but because 1) it is uncertain and 2) potentially controversial, let's downplay it by putting it lower on the list and saying "might" or "could"

**Comment [jtm11]:** Again, these are ideas that have been brought up but not vetted in any way. Use them as examples at most and use if/might/could instead of would.

5

[Jon, this section is optional. Given the unlikely event of the improvements extending into the environmental zone, this may be too much information. I've left it in for your review and we can discuss. TM]

#### Environmental Review

If an environmental review is required it would be processed as a Type II Land Use Review. A complete environmental review application includes a discussion of the proposed project, an impact evaluation, an alternative site analysis, a construction management plan, a narrative describing how the proposed project meets the approval criteria for the environmental review, and typically, a mitigation plan.

The largest aspect of most environmental reviews is looking at alternative development proposals and determining which one has the least detrimental impact on the environmental resources identified in the impact evaluation. The review typically takes into consideration the location of the proposed disturbance on the site, the design of whatever is being proposed (including things like building up vs. out, poured foundations vs. pilings, building materials such as concrete paving vs. pervious paving), and proposed construction methods (including things like the types and location of erosion control measures, grading, soil stockpiling areas, construction access, areas for storing building materials, etc.). The adequacy and likely success of proposed mitigation is also closely reviewed.

Some portion of the yard or nursery could potentially be extended to an area within the Resource Area of the ec-zone that would require environmental review. For this review it will be essential in the alternatives analysis to show that efforts were made to move the proposed development out of the ec-zone altogether or limit it to the Transition Area but that this was not possible and document the reason why not. Additionally, the alternatives analysis must examine what alternative areas within the Resource Area were considered for placing the development. The alternatives analysis would have to show that this area is the best location alternative because it takes advantage of an already disturbed area and/or has the least amount of environmental disturbance or impact within the Resource Area.

Environmental review should be avoided if at all possible and there appears to be ample space available for this project that would avoid the ec-zone and an environmental review.

**Comment [jtm15]:** Let's keep it in so that if any design ideas are introduced that might trigger an environmental review, were are informed regarding the pros and cons.



public hearing before the Landmarks Commission, and a 14-day appeal period of the Commission's decision (see attached process for a detailed timeline).

Because the historic design review will likely be a Type III process, which is more extensive than a Type II, and the nonconforming situation review will be a Type II process, the two reviews could be submitted separately and processed separately. They can also be processed together under the Type III review process but the nonconforming situation review may cause some confusion for the Landmarks Commission who are not used to dealing with those types of reviews. ESA Adolfsen recommends submitting the applications separately.

ESA Adolfsen also recommends that PPR consider a Design Advice Request. A Design Advice Request essentially allows a prospective applicant to have some open time in front of the Landmarks Commission to discuss ideas. Once a master plan design team is chosen and has developed some preliminary ideas. They would meet with the Landmarks Commission, have a discussion, and get advice on the preliminary design ideas. This could be a very useful process for the design team. There is a small fee required and it may be a few weeks out on the Landmarks Commission calendar for scheduling.

#### Option

One option to the historic design review is to alter the Landmark nomination to remove the structures as contributing features. This may be the more difficult option since both the City landmark nomination and presumably the national historic designation would have to be modified. Given the time and effort invested by neighbors and advocates in getting the Park nominated, it may be quite difficult to alter the nomination.

#### **Environmental zone**

The ec-zone has been applied only to specific locations within the park. These are generally heavily forested areas with native tree species and understory that provide some elements of wildlife habitat. The first 25 feet inside the ec-zone is called the Transition Area and is applied as a buffer around the Resource Area. The Resource Area is where the majority of environmental regulations apply. Regulation within the Transition Area is very limited.

Whether or not the proposed maintenance yard improvements are subject to the ec-zone is based solely on where the improvements occur and how much disturbance occurs to the ground surface and vegetation. If all of the proposed improvements can be accommodated outside of the ec-zone or limited to the Transition Area then no environmental review will be required.

Based on initial discussion of the nature and location of the maintenance yard improvements it is not likely that the ec-zone will be impacted. All of the maintenance yard and nursery activities will likely be outside the environmental zones at the park. The nearest ec-zone is at the extreme northeast corner of the maintenance yard/nursery area. This is illustrated in Figure 1, on the following page.

**Comment [jtm14]:** A member of the sub-committee has asked that the memo include a bibliography. You have extensive citation of the code in the narrative. If there are documents other than the code that the reader might need to know about (assuming they are brand new to the topic), please indicate them here.

## M E M O R A N D U M

**MWH**

MONTGOMERY WATSON HARZA

**To:** Dennis Kessler**Subject:** Open Reservoir Study – Permitting Strategy**From:** Becky Crockett**Date:** July 2002**Reviewed By:** Kathryn Mallon, Joe Glicker**Reference:** 1530**PURPOSE**

The purpose of this document is to facilitate discussion and guide decisions on how best to secure the permits for protecting the City of Portland's Open Reservoirs located at Mt. Tabor and Washington Park. It is expected that this information will be helpful for project permitting, scheduling, public involvement and for coordination between the three City Bureaus (Water, Parks, and Office of Planning and Development Review (OPDR)). This memo focuses on major permits required for project implementation. Minor permits (NPDES, Encroachment permits, Construction Permits, Oregon Health Division Review, etc.) are not described, as they are believed not to impact project strategy decisions. A discussion of these permit requirements and integration of the permitting with the project schedule will be discussed in a separate Technical Memorandum – Project Implementation Plan.

**BACKGROUND**

The information presented is based on review of applicable regulatory documents (Code, State Statute, Administrative Rules, etc.) as well as discussions with staff from the Water Bureau, Parks Bureau, the Office of Planning and Development Review, and the Planning Bureau. The following persons were consulted during the development of this permitting strategy:

Dennis Kessler, Portland Water Bureau  
Brenda Nelson, Portland Water Bureau  
Sue Donaldson, Portland Parks Bureau  
Duncan Brown, Office of Planning and Development Review  
Bob Glascock, Office of Planning and Development Review  
Cielo Lutino, Bureau of Planning  
Jeff Joslin, Office of Planning and Development Review  
Joe Glicker, MWH  
Kathryn Mallon, MWH

## MAJOR PERMITS POTENTIALLY REQUIRED

The project will require both land use, parks permits and a FERC amendment to the hydro-facility exemption. However, determination of these permit requirements is subject to further interpretation of the proposed project as conceptual engineering evolves. The details of these permits are discussed below.

### Land Use

**Mt. Tabor.** The area in and around Reservoirs 1, 5 and 6 at Mt. Tabor Park is zoned Open Space (OS) and the Reservoirs are classified as "basic utilities". Basic utilities within the OS zone are allowed through a Type III, Conditional Use process. However, the existing reservoirs have "approved conditional use status" because of their historical use.

The purpose of the Open Space zone is to preserve and enhance public and private open, natural, and improved park and recreational areas identified 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; and preserving the capacity and water quality of the stormwater drainage system (Code Section 33.100.010).

A major change to a basic utility (reservoirs) within the OS zone requires a conditional use permit. However, according to OPDR staff (Duncan Brown, April 4, 2002), placement of the reservoirs underground is considered a permitted outright use if the park development is temporarily designated open space for the purpose of moving forward with design and construction. The interpretation of the Code in this scenario would be the creation of additional open space in the OS zone. The creation of more open space is allowed outright.

→ Ultimately, alternative park development above the underground reservoirs may require a Type II (Administrative Approval) or Type III (Conditional Use) review depending on the type of use proposed. Park uses that are low impact such as viewing areas, open space or trails would be allowed outright or through a Type II process. However, high impact recreational uses including ball fields or tennis courts would require a Type III CU Permit. Further, the high impact recreational uses would require review of related park impacts such as on-site parking and traffic impacts in the local area.

Piping construction associated with the reservoir project is allowed outright in the OS zone as and accessory to the reservoirs provided they are considered to be "serving residents in the local area".

→ An Environmental Conservation (EC) overlay zone is designated on areas surrounding the reservoirs. Discussions with OPDR staff (Duncan Brown, March 21, 2002) indicate that these EC designations were intended to apply to the densely forested areas of Mt. Tabor Park. Based on the engineering concepts noted above, it does not appear that the underground reservoir project will encroach on any areas designated as EC. However, routing of new Yard Piping and vault installation in Mt. Tabor Park will likely encroach on the EC overlay boundaries. A Type II environmental review will be required for piping construction within the EC overlay area. A

tree survey of trees impacted by the construction will also be required. Based on review of the EC boundary near the Mt. Tabor Reservoirs, it appears that the Water Bureau may desire to amend the EC boundary to more closely reflect the actual tree line. An amendment to the EC boundary requires a letter submittal to the Planning Director with evidence to support the boundary change. The Planning Bureau amends the boundary if they feel it is justified.

**Washington Park.** The area in and around Reservoirs 3 and 4 in Washington Park is also zoned as Open Space (OS) and the reservoirs are classified as "basic utilities". The reservoirs at Washington Park also have "approved conditional use status" because of their historical use.

Placement of covers on top of the reservoirs at Washington Park is an allowed outright use within the OS zone. This would be considered a minor alteration to an approved conditional use. Therefore, no land use permit is required to place covers on top of the Washington Park reservoirs.

Environmental Conservation (EC) and Environmental Protection (EP) overlay zones are designated on areas near the reservoirs at Washington Park. However, they do not include the reservoirs and the immediate areas surrounding the reservoirs. The placement of covers on the reservoirs would not encroach on these environmental overlay zones.

A small portion of Reservoir 3 (northern section) contains a Scenic "s" overlay designation. The Scenic Resource zone establishes height limits within view corridors to protect significant views and establish landscaping and screening standards to preserve and enhance identified scenic resources. Planning staff (Duncan Brown) conducted a site visit to the "s" area at Reservoir 3 to access potential impacts of the covers within this scenic area. Based on site review, OPDR determined that no land use permit review is required to address the "s" overlay designation. Site review concluded that the immediate area between the scenic road and the reservoir is currently landscaped and that the reservoir sits too far off the scenic road to create an impact to the designated viewing area.

## Parks Requirements

**Mt. Tabor and Washington Park.** The proposed reservoir projects are located within two public parks, Mt. Tabor and Washington Park which are operated by Portland Parks and Recreation. The Water Bureau owns the reservoirs and the land surrounding them except for a small portion of Reservoir 4 and all of Reservoir 3 in Washington Park.

There are two regulatory actions that may be required through Portland Parks and Recreation. They include a permit for "Non-Park use of Park Land" and an easement for the placement of any structure such as underground piping within property owned by Portland Parks and Recreation. The determination of where these Park regulatory actions apply should be based on review of design drawings showing exact locations of development/improvements and existing ownership/easement documents. It is anticipated that a substantial amount of replacement yard piping will be located outside of the Water Bureau's property boundaries which surround each of the Reservoirs.



Review of the Parks and Recreation Policies and Procedures Governing Non-Park Use of Park Property (Adopted by Ordinance No. 171001) indicate that the "Non Park Use of Park Land" permit would apply only to land owned by Portland Parks. Therefore, if the construction of underground reservoirs is contained on Water Bureau property, then it would appear that a "Non-Park Use of Park Land" permit would not be required. This would be consistent with Water Bureau construction activities on Powell Butte. However, discussions with Portland Parks staff (Sue Donaldson, April 24, 2002) indicate that since the project has the potential to disrupt park activities and uses, a "Non-Park Use of Park Land" permit is required regardless of ownership. Sue Donaldson identified areas of potential concern to include construction management, staging areas, and construction access on park roads and the need to follow the Parks "Public Involvement Procedure for Capital and Policy Development Projects and Planning Initiatives". She also indicated that the Parks permit review process would include evaluation of the entire project as it could impact park users and activities.

7 A first step to resolve the question of the potential need for a Parks permit or easement would be to assess the ownership/easement documents to determine the existing Water Bureau vs. Park Bureau ownership at Mt. Tabor and Washington Parks. This information could be used to assess the potential impacts to Parks' property. An important element in reviewing this information would be to consider underground piping alignments, construction staging areas and construction access requirements. If the areas of construction impact are owned exclusively by the Water Bureau or are governed through existing easements held by the Water Bureau, then it would appear that a "Non-Park Use of Park Land" permit is not required. This may be the situation at Mt. Tabor and would be consistent with Water Bureau development activities on Powell Butte.

→ It should be noted that Parks' policies and procedures governing non-park use of park property identify two clauses (#3 and 5) that could support this approach of not requiring a Parks permit. Policy 3 - Policy Subject to Prior Commitments, identifies that Parks' policy shall not serve to terminate legally existing non-park uses or to invalidate prior commitments to allow non-park uses; and Policy 5 - Uniformity in Administration, states that this policy shall be administered as uniformly as practicable with respect to all non-park uses of similar nature.

Based on review of the regulations governing non-park uses, it would appear that a "Non-Park Use of Park Land" permit or easement from Portland Parks and Recreation is only required on land not owned by the Water Bureau or for which the Water Bureau does not have an easement.

→ **Park development For Underground Reservoir.** Portland Parks and Recreation recently completed a Master Plan Report for Mt. Tabor (Walker Macy, 2000). The Master Plan recommends park improvements including additional viewing areas, improved restroom accommodations, parking alterations and other park amenities. The Master Plan does not include an evaluation of park uses or activities for the land areas which contain the open reservoirs.

→ The Master Plan was developed through an extensive public involvement program that included a Citizens Advisory Committee and various neighborhood associations including the Mt. Tabor Neighborhood Association. The evaluation and ultimate determination of the appropriate park development over the underground reservoirs should be conducted in partnership between the Water and Parks Bureau and would be expected to follow the same type of public process as was

5

It should be noted that it has been the past understanding of the Water Bureau that a proposed designation for inclusion in the National Register of Historic Places requires owner consent. However, discussions with Planning Staff (Ceilo Lutino) indicate that owner consent may not be required. Ms. Lutino identified OAR 736-05-02250 which states

“.....under federal rule, a statement of objection will not automatically preclude listing in the National Register of a property that is in public ownership.”

It may be appropriate to have the City's legal council follow up on this question of whether or not anyone can cause the reservoirs to be included in the National Register of Historic Places. The process of obtaining Federal Register status may take too long to place additional restrictions on replacing Reservoirs 5 and 6. However, it could produce difficult regulatory hurdles for replacing Reservoirs 3 and 4 in the future.

It is also anticipated that the public does have a desire to preserve many of the reservoirs' key historical features to the extent practicable. Therefore, it is recommended that the PI process include opportunities to encourage the public to provide input on which historic features are important to preserve. Also, an opportunity exists to gain the City's Landmark's Commission insight on which historic reservoir amenities are appropriate to preserve. While the Landmarks Commission would have no legal authority to direct specific preservation actions, they are very knowledgeable and could prove helpful in making good suggestions based on their experience.

## SEQUENCE OF ACTIVITIES

The discussion above identified issues related to permitting, public involvement, project engineering and parks. It is clear that these issues are interrelated and will require a coordinated effort between the City Bureaus for the project to be successful. For the purpose of obtaining project permits, it is recommended that the following key project actions be pursued within the sequence identified.

1. Identify engineering constraints to potential park development
2. Conduct initial PI activity which includes discussion about historic resources and park development
3. Discuss historic resources with the Landmark's Commission
4. Meet with SHPO and USFW to determine resource issues of concern and method to resolve them
5. Post 120-day demolition delay notice
6. Finalize preliminary design of Reservoir 5 and 6
7. Complete FERC letter request for amendment to the "Exemption From Licensing"
8. Conduct PI activity that gives project update and initiates focus on deciding park development
9. Determine ownership/easements based on preliminary design
10. Secure permits for Reservoir 5 and 6 construction with open space as the planned park development
11. Secure any required building (none may be required for public works project on City owned property) permits for reservoir covers at Washington Park (Reservoirs 3 and 4)







CITY OF

# PORTLAND, OREGON

BUREAU OF WATER WORKS

Dan Saltzman, Commissioner  
Morteza Anoushiravani, P.E., Administrator  
1120 S.W. 5th Avenue  
Portland, Oregon 97204  
Information (503) 823-7404  
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May 28, 2003

State Advisory Committee on Historic Preservation  
Attn: James M. Hamrick, Jr.  
Assistant Director of Heritage Conservation  
Deputy State Historic Preservation Officer  
State Historic Preservation Office  
1115 Commercial St. NE  
Salem, OR 97301-1012

Re: Nominations to the National Register of Historic Places for Mt. Tabor Reservoirs  
1, 5 & 6, and Washington Park Reservoirs 3 & 4

Dear Mr. Hamrick:

On behalf of the City of Portland Bureau of Water Works, and Portland Parks and Recreation, I would like to comment on the nomination of the Mt. Tabor and Washington Park reservoirs to the National Register of Historic Places. The City of Portland Water Bureau is the owner of the facilities under review. The facilities are sited within City of Portland parks.

I'd like to provide some brief background context for your interest.

The Portland Water Bureau began bringing Bull Run water to the City in 1895. The City built the first terminal reservoirs, Reservoirs 1 and 2, at Mt. Tabor in 1894, and Reservoirs 3 and 4 at Washington Park. As water demands grew, so did the system. Early in this century the City built Reservoirs 5 and 6 at Mt. Tabor. These reservoirs have been in continuous use since, except for Reservoir 2, which was abandoned in the early 1980's.

Portland reconfigured the reservoir system in the 1980's, transferring "terminal storage" from Mt. Tabor to the new underground reservoir at Powell Butte. The Powell Butte reservoir can hold 50 million gallons of water.

Currently, the Mt. Tabor and Washington Park Reservoirs are used as "distribution storage." That is, they serve as the entrance and control point for the City water distribution system—the pipes that take the water throughout the City and to individual customers.

These reservoirs are both essential to our water system operations and inadequate to meet contemporary needs. While well designed and constructed for their time, and beautiful in their serenity and majesty, Mt. Tabor and Washington Park reservoirs would never be built today. *bypassed* ←

No major water utility would construct *open* finished water reservoirs. Prudent utility practice and federal and state drinking water regulations require that finished water be stored in *fully* enclosed structures, such as above or below ground tanks.

For a number of years, the Portland Water Bureau has had under review the question of how to bring the open reservoirs into compliance with current utility practice. In 2001, the country's sudden and tragic reassessment of its vulnerability to terrorism brought that review to a head. Portland City Council determined that the water system could no longer maintain and operate open reservoirs in its water distribution system. That decision reflects a review of water system needs and of alternatives to meet those needs.

→ Anticipated regulations will certainly change the open reservoirs. Within a very few years, new federal regulations will require major and expensive changes at all open reservoirs. Across the nation, open reservoirs will have to be covered or removed or their outlets will have to run through expensive treatment plants. It is fair to predict that the Environmental Protection Agency will not let our open reservoirs remain uncovered and unaltered.

→ In addition, proposed amendments to the federal Safe Drinking Water Act require local utilities to enhance their water system security measures. These heightened security measures will require the removal of open reservoirs or require that public access to reservoirs be significantly curtailed.

2  
→ Recent studies underscore the vulnerability of these facilities as part of the water system. The City has conducted two comprehensive vulnerability assessments. Both assessments identified the open reservoirs as the highest vulnerability in the water system and strongly recommended covering or elimination of the open reservoirs.

reservoirs  
H<sub>2</sub>O  
quality  
→ In Washington Park, where public access to the reservoirs is already prohibited, Portland City Council agreed to temporarily install covers on the reservoirs. This is a relatively inexpensive and expedient short-term measure that provides much, although not all, of the public health benefits to be obtained by replacing the reservoirs with underground tanks. The Council has approved the burial of these reservoirs within the next 10 years.

At Mt. Tabor, the City Council rejected the alternative of simply covering the reservoirs and moving the public away from them with heightened security measures. Taking those interim steps would damage Mt. Tabor Park and the historic role the reservoirs play in the park. City Council determined that the best solution for the Mt. Tabor reservoirs is to replace them with underground tanks.

It was not an easy decision for the Council or even for the Water Bureau. Mt. Tabor and the Mt. Tabor reservoirs hold a special place in the hearts of many Portland residents, including the people who run the water system.

Let me describe the effects of the City Council's decision:

- Reservoir 1 will be abandoned as a water storage facility and disconnected from the water system. The reservoir and site can be made available for park use. The water system anticipates no further modification or use of Reservoir 1. Reservoir 1 is approximately 2 acres.

- Reservoir 5 will be replaced with an underground structure of about the same volume (50 MG). We anticipate the new structure will fit generally within the footprint of the existing reservoir. Reservoir 5 is about 8 acres.
- The north cell of Reservoir 6 will be replaced with about 20 MG of buried storage (approximately 1/3 of its existing capacity). The new tank will be located completely within the footprint of the reservoir. The remaining portion of Reservoir 6 can stay in its existing state or be modified. It will be disconnected from the water system and could potentially be utilized for overflow, drain water, and storm water detention. Reservoir 6 is about 12 acres, divided into two cells.

The buried tanks will lie below the surface of the existing reservoirs. Only access hatches and vents will be visible. The structural design of the reservoirs will allow a wide range of above ground park uses including the option of shallow reflecting ponds that would appear similar to the existing reservoirs.

The new reservoir construction will not affect the existing gatehouses and weir buildings. Some will be made available for park use, and the City will retain others for water system operation. Portions of the existing parapet walls and decorative fences may be removed for reservoir construction, but they could be replaced.

Having made the decision to bury the Mt. Tabor water storage, the Portland City Council also declared that it wants Mt. Tabor to stay a special place. Towards this objective, the Council has created a public process to decide what Mt. Tabor Park should look like after the reservoirs are gone. A Public Advisory Committee (PAC) has already met several times and will continue to meet for several months. The public has been invited to join the discussions and have done so in sizeable numbers. By December 2003, the Council hopes to decide the Park's future.

*disagree*  
B The Public Advisory Committee is developing a design program including principles to guide its review of options. Historic considerations are a major part of this design program.

I should also mention that the City's Mt. Tabor reservoir facilities contain a small hydropower facility regulated by the Federal Energy Regulatory Commission. We have commenced discussions with the State Historic Preservation Office and FERC to facilitate the historic preservation review of the City's plans under Section 106 of the Historic Preservation Act.

*concur*  
J With regard to the petition to list the Mt. Tabor and Washington Park reservoirs on the National Register of Historic Places, the Portland Bureau of Water Works and the Parks and Recreation Bureau concur that the Washington Park Reservoirs 3 & 4 and the Mount Tabor Park Reservoirs 1, 5 & 6 are eligible for listing.

We acknowledge and recognize that these reservoirs are significant under Criteria A and C of the National Register of Historic Places. Recognizing their significance does not alter the City Council's decision that the open reservoirs should no longer be used in the City's water system and should be buried.

We do, however, recommend a number of clarifications and modifications to improve the documentation of the reservoirs' historic value. To discuss these clarifications, I will compare and contrast the nomination of the Mt. Tabor reservoirs, on the one hand, with that of the Washington Park facilities, on the other.

- ■ In terms of the periods of significance, Mt Tabor is presented as spanning the periods 1894 – 1923 and then to 1953. Washington Park's date of significance is 1894 and yet a 1920's Generator Building is noted as historic or contributing.
- ■ From the City of Portland perspective, the period of significance for Mt. Tabor should span from 1894 (Reservoir 1) to 1911, the date of completion of Reservoirs 5 & 6. The Reservoir 1 Weir (inlet) Building could also be added to extend the period of significance to 1923. We cannot concur with the petitioners' inclusion of the 1951 Weir (hydrochloride) building. While compatible with the remaining reservoir property, the structure itself is architecturally marginal. It has, moreover, little historic significance and compromises the integrity of an otherwise significant ensemble. Further, there appears to be no justification for a period of significance of 1894 to 1953 if the Weir Building was constructed in 1951.
- period of significance → ■ Turning to Washington Park, the Generator Building is identified as architecturally significant from the 1920s. If so, then the reservoirs' period of significance listed as 1894 needs to be clarified and resolved to span from 1894 to 1920.

We believe that further clarification and resolution is needed on the identification of contributing and noncontributing resources. Each nomination contains a list of property type and classification as contributing or noncontributing. But there is no consistent narrative in the text of either document to enumerate and *explain* all contributing and non-contributing resources.

piping → Nor do the nominations contain any graphic documentation to illustrate the location of these facilities. For example, the Mt Tabor narrative describes the Associated Yard Piping as non-contributing. The Washington Park text does not describe the status of piping - yet the narrative could be read to indicate that the piping is considered to be a contributing element.

We also perceive some conflict and discrepancies in terms of each park's property boundary.

- ■ In the front boiler plate text of Mt Tabor under Geographical Data, acreage is noted as less than 7 acres, yet in the Boundary Justification it is stated as the Park Boundary of 125 acres.
- At Washington Park the Geographical Data declares the site to be less than 7 acres, yet the narrative includes the area around the Reservoirs as the boundary. The actual Park is 129.5 acres.

These boundaries and justifications need to be reconciled and justified not only in terms of actual acreage, but of historic significance. Washington Park was a City Park before the Reservoirs were built, yet the nomination does not discuss the significance of the park as a whole. On the other hand, Mt Tabor was not a city park until Reservoirs 5 & 6 were built.

The nominations contain no developmental history of Mt. Tabor to justify inclusion of the entire park in the nomination.

From a property ownership and management perspective, these kinds of inconsistencies can create confusion and uncertainty for our stewardship responsibilities and long term operations of the resources.

Finally, there are some factual discrepancies that deserve review and correction. For instance, the nominations say that the reservoirs are reinforced with twisted iron bars, patented by Ernest Ransome. This may not be the case, for the Water Bureau has never encountered such construction during its repair and replacement of basin concrete work. In addition, we note that only Reservoir 6 is surfaced with asphalt.

We encourage the contributing elements and boundaries be clarified to include only the reservoirs, gate and weir houses, parapet walls, and, perhaps, adjacent sidewalks. Surrounding properties, parklands, water system piping, structures and appurtenances should not be included at this time.

We should note, as well, that the sidewalks surrounding the reservoirs are significant, if at all, only because of their relationship to the reservoirs. The sidewalks have been repaired or renovated several times and therefore their construction and condition are of questionable historic significance.

We appreciate your consideration of our concerns. Please call me at 503 823-7473 or Henry Kunowski at 503-823-5883 if you have further questions.

Sincerely,

  
Dennis Kessler P.E.  
Principal Engineer

cc:

Nancy Niedernhofer  
Matt Grumm  
Mort Anoushiravani  
Henry Kunowski  
Cielo Lutino  
David Yamashita  
Terry Thatcher





Mt. Tabor Park Master Plan  
Final Wildlife and Habitat Baseline Report  
Prepared by Maurita Smyth  
March 15, 1999

## Introduction

This report summarizes the results of pre-field and field baseline investigations on the wildlife and habitats of Mt. Tabor Park, Portland, Oregon. The report describes the site's wildlife habitats, provides an assessment of habitat function and existing conditions, and makes recommendations for habitat improvement within the context of the park's current master planning process.

## Methods

A pre-field information (background) review was completed and included review of the *East Buttes, Terraces, and Wetlands Conservation Plan* (Bureau of Planning, Portland, June 25, 1993), aerial photo interpretation, and personal conversations with neighbors and park users. Background information will continue to be collected during the life of this project as new sources become known.

Field survey methods used for this project are consistent with the METRO Greenspace's baseline data collection efforts (Porasky, 1989). The entire site was walked using meandering transects that covered each habitat type within the site's boundaries. Habitat types were initially identified through aerial photo interpretation and landscape description provided by Walker Macy. All plants, habitat characteristics, and wildlife were recorded. Because the surveys were conducted during the winter, surveys were scheduled at different times of the day to increase potential for bird observations. Dominant trees, shrubs, forbs, and herbs were recorded along with the average diameter at breast height (dbh) of dominant overstory trees, and the general condition of vegetation (health). In addition, existing habitat characteristics, such as dead standing or downed wood, relative age/size classes of trees, the presence of water, unique features, and aspect were noted. Wildlife or their sign (vocalizations, tracks, scat, etc.) were also recorded.

## RESULTS

### Pre-field Information Review

The pre-field review indicated that Mt. Tabor Park is approximately 198 acres of natural and landscaped park land that includes three Portland water supply reservoirs; developed areas containing building structures, outdoor recreational equipment, and picnic areas; and internal road and trail systems. Resources include forest, open grass or lawn areas, wetland, intermittent drainages, and a remnant volcano vent. Mt. Tabor rises from approximately 300 feet above mean sea level (MSL) to approximately 640 ft. MSL at its summit in the central western portion of the site and extends beyond the park's boundaries in all directions. The park was an important element in the Olmsted Brothers' 1903 park system proposal. It is well used and is considered an important natural area within Portland and within the greater metropolitan area.

Wildlife that have been observed in the park include songbirds, ring-necked pheasants, and raptors such as Cooper's hawk and red-tailed hawk, plus coyote, raccoon, and fox squirrel.



## Field Survey Results

Field surveys were conducted on December 9, 14, and 16, 1998 to typify habitats and record wildlife observations. Habitat types identified on site include upland forest, meadow (essentially manicured lawns), and a small intermittent wetland drainage area. The rest of the site is developed by roads, buildings, parking, and recreational use areas. The following summary may not include all plant species that occur on site because many plants have died down or lack their flowers or fruiting bodies during the winter season. Wildlife species listed below, especially birds, reflect only those species that are either year-round residents or are present only during the winter season. It is likely that migratory birds reside in the park and surrounding habitats during the breeding season, and use the site for foraging and resting during spring and fall migration times.

Upland forest habitat is the principal habitat on site and occurs in several forms. The overstory is dominated by Douglas-fir (*Pseudotsuga menziesii*) ranging in size from ten inches to over 40 inches diameter at breast height (dbh). Other overstory trees include native big-leaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), Pacific dogwood (*Cornus nuttallii*), western redcedar (*Thuja plicata*), ponderosa pine (*Pinus ponderosa*), lodgepole pine (*Pinus contorta*), and exotic species such as cherry (*Prunus sp.*), blue spruce (*Picea pungens*), among others. Within the forest habitat, canopy closure at full leaf ranges from 40% to over 90%. Douglas-fir, western redcedar, big-leaf maple, and Cascara (*Rhamnus purshiana*) also occur as sapling trees in the mid-story layer. Overstory trees that are located within open lawn and other developed areas are not included as part of the true forested habitat. These trees are usually found on the fringes of forest habitat and are considered as landscaping.

Shrub layers within the general upland forest habitat type vary in species composition and relative position of dominance. Commonly found shrubs include Oregon hazel (*Corylus cornuta*), creeping snowberry (*Symphoricarpos mollis*), ocean spray (*Holodiscus discolor*), elderberry (*Sambucus sp.*), tall and low Oregon grape (*Berberis aquifolium*, *B. nervosa*), Indian plum (*Oemlaria cerasiformis*), salal (*Gaultheria shallon*), wild rose (*Rosa sp.*), and vine maple (*Acer circinatum*). Non-native shrubs include English holly (*Ilex opaca*), scotch broom (*Cytisus scoparius*), and Himalayan blackberry (*Rubus discolor*). These three species are highly invasive and dominate extensive areas, especially along the periphery of the park. Seedling trees of red alder, *Prunus spp.*, western redcedar, and hawthorne (*Craetagus sp.*), among others, can also be found in the shrub layer. Oregon hazel, ocean spray, snowberry, and vine maple occupy a position of dominance within this vegetative layer in localized areas of forest habitat.

Herbaceous plants are common and include areas dominated by native or non-native species. Native herbaceous plants identified on site include inside-out flower (*Vancouveria hexandra*), sword fern (*Polystichum munitum*), wild strawberry (*Fragaria sp.*), large-leafed avens (*Geum macrophyllum*) - a wetland indicator plant, bracken fern (*Pteridium aquilinum*), thimbleberry (*Rubus parviflorus*), violet (*Viola sp.*), and various grasses. Non-native herbaceous plants include Quack grass (*Agropyron repens*), English ivy (*Hedera helix*), Queen Anne's lace (*Daucus carota*), and clematis (likely *Clematis vitalba*). Clematis and English ivy occur in dense stands within forested areas, predominantly on the outside edge of the forest within the park's interior and along its periphery.

Dead wood habitat within the upland forest occurs as snags, downed logs, and stumps, varying in size and number throughout the site. The forest located east/northeast of Reservoir 1 had the highest number of snags per acre, estimated at an average of nine per acre in some sub-areas within that forest. Snags ranged in size from less than 10 inches dbh to over 30 inches dbh within the site. Most snags were deciduous trees of big-leaf maple, but include other species. Downed logs varied in size and decay class, occurring as small logs with bark intact (decay Class I) to large logs (greater than 25 in. dbh) with no bark and well

broken up (Class IV or V). Generally, downed logs and stumps are lacking in many of the forest areas throughout the park.

Meadow habitat consists primarily of maintained lawns that are outside, but may be adjacent to, the forest canopy, adjacent to interior roads and surrounding the reservoirs. These areas are dominated by various grasses, including perennial ryegrass (*Lolium perenne*), bracken fern, patches of English ivy, and various flowering plants such as Queen Anne's lace, clover, and self-heal (*Prunella vulgaris*). It is likely that other flowering plants occur within the lawn areas but were not visible during the winter surveys. Dead wood is generally lacking within this habitat type but does occur as downed logs in a few places. These logs are mostly recent falls, likely the result of wind, or they may have been cut down for safety reasons.

A seasonal drainage area (a small gully) which includes a small seep wetland was identified in the northwestern corner of the site, south of the cinder cone. This area is located within the upland forest habitat as described above. Douglas-fir and Oregon hazel are the dominant species occurring upslope of the drainage bottom. English ivy and other non-native plants are encroaching upon the drainage along the edges of the upland forest canopy. In the upper reach of the drainage at the road, large-leaved avens, a wetland indicator plant (FACW-), was present and soils were saturated. Water flows to the wetland and the drainage areas via several road culverts.

Wildlife or their sign identified on site during field surveys includes: BIRDS: golden-crowned kinglet, ruby-crowned kinglet, northern flicker, American robin, sapsucker (sign), winter wren, American crow, pileated woodpecker (sign), pine siskins, European starling, song sparrow, and red-breasted nuthatch; and MAMMALS: fox squirrel. Forest habitat within the site provides nesting, perching, hiding, and travel habitat for a variety of birds and mammals. Meadow habitat provides limited foraging for birds (e.g. swallows).

### Habitat Assessment and Analysis

Wildlife habitat value is based upon whether the site contains certain habitat types and attributes. These attributes include the presence of water, vegetation species and structural diversity, dead wood habitat as snags, downed logs, or stumps, connection to other habitats, vegetative canopy closure that generally provides for foraging, nesting, roosting, hiding, and travel habitat or cover for birds, mammals, amphibians and reptiles, aquatic and terrestrial insects, and other invertebrates. The greater the number and diversity of habitat types and the greater number of attributes, generally the higher the habitat value.

Mt. Tabor Park has an average overall moderate habitat value because it is large, it is dominated by large overstory trees which connect it to similar habitats in surrounding areas, and it supports three habitat types - meadow, forest, and a small wetland (described above). Within the park, however, wildlife habitat value differs from one area to another. Because of these differences, the site has been broken up into three principal categories of wildlife habitat, designated as W1, W2, or W3. (Figure 1 Wildlife Habitat Site Map) Not all of the park was considered for wildlife habitat designations. Those areas, such as the existing off-leash dog area, the picnic areas, and other open forest areas within the park, although connected by trees and oftentimes by shrub stands, are high use areas that will always be subject to a higher rate of human disturbance. For nesting birds, for example, this level of disturbance reduces habitat value. Overstory trees, no matter where they are located within the park will provide some foraging and nesting habitat for upper and mid-canopy feeding birds, such as warblers and crows. For purposes of this analysis, recognizing that the park has many uses, wildlife habitat was assigned to the best available habitat or those areas with the highest potential for habitat improvement within the park.

**W1a, b, and c (Upland Forest):** This habitat type has the highest wildlife/habitat value based upon the presence of tree, shrub, and herbaceous vegetation which includes variable shrub canopies in continuous or scattered clumps; low to moderate level of species diversity; the presence of water (applies mainly to W1a seep wetland); the presence of dead wood habitat as snags, stumps, or downed logs; and connection to other vegetative cover or habitats in more than one direction.

W1a includes a small seasonal wetland that can be enhanced to improve its already high wildlife value. W1b has several trails which likely add to wildlife disturbance especially by unleashed dogs which may disturb nesting birds. There is an opportunity within W1b to allow for controlled or limited wildlife viewing, particularly views to the large snags which are well used by woodpeckers and small mammals. W1b and W1c are large enough areas to provide some security or interior habitat for nesting birds and small mammals if managed for those uses. W1c is on a very steep slope and although it is adjacent to and includes a road, it has basic attributes of fairly extensive stands of native shrubs and some non-native but non-invasive shrubs which together form a solid base for habitat improvements. In W1a, W1b, and W1c non-native herbaceous plants occur.

The limiting factor for W1 forest types is presence of non-native (exotic) plants which dominate localized areas or are encroaching into this habitat type, thus representing a future threat to the existing diversity of the habitat. Some subareas within all the W1 forests have an open shrub layer which somewhat limits hiding, foraging, and travel cover for birds and mammals.

**W2a, b, and c (Upland Forest):** This forest type is considered to have moderate wildlife/habitat value based upon the presence of large dominating stands of non-native invasive plants, such as clematis and ivy; the presence and moderate diversity of shrub and herbaceous vegetation; presence of dead wood habitat as snags or downed logs; and its limited connection to other habitats within the site. W2 forests occur along the outside edge of the park adjacent to housing and human activity which increases disturbance to wildlife and habitat.

W2a and b, although located at opposite ends of the park, are similar in that they both have large pervasive stands of clematis and ivy. W2a, however, does have some areas that are open in the shrub layer with native and non-native herbaceous plants. W2c is located at the edge of the park and extends between houses to the north and south. This area is somewhat unique in that it includes several Pacific dogwood trees, a native tree that blooms in early spring, and several large big-leaf maples within its confines. The shrub layer is open with some Himalayan blackberry at its upslope edge near the park road. Grasses dominate the herbaceous layer.

The overall limiting factor for W2 forest types is the pervasive presence of non-native plants and the proximity of housing which increases their potential for human disturbance. Non-native invasive plants, for example, English ivy, create large monoculture stands which reduce the diversity of hiding and nesting cover and reduce the diversity of insect life upon which birds and amphibians depend. W2c is much less disturbed than W2a and b, but still lacks a well-developed shrub layer and native herbaceous plants.

Note: A major difference between W1 and W2 forest types is the level and extent of dominance by non-native plant species. For example, W1a has exotic plants mostly at the edge of the habitat area, whereas, W2 has pervasive stands of exotics, such as clematis, which completely cover shrubs and some trees thus reducing vegetative diversity.

**W3 (Meadow):** This habitat type has a low wildlife value based upon its lack of shrub and tree structure, which may be present on the meadow periphery, and its lack of water and dead wood habitat. However,

the meadow areas are connected to other habitats upslope. Location of meadows on slopes with a south/southwest/west aspect which dry out in summer gives this habitat a potential for improvement through removal of non-native grasses and vines. These plants can then be replaced with native upland meadow species (grasses and forbs) that will provide a greater diversity of wildlife food and cover. Species that are likely to be attracted to a diverse meadow flora would include song birds, small mammals, and breeding butterflies, such as swallowtails and hairstreaks.

The limiting factors for meadow habitat include the dominant presence of non-native plants, general lack of species diversity, management of lawn areas as mowed turf, and location adjacent to well used pathways.

## **Recommendations for Wildlife Habitat Improvement**

### **W1 Upland Forest**

General recommendations for W1a W1b and W1c:

- remove non-native vegetation, where necessary, to prevent further spread of these species within the habitat
- add additional shrubs to local areas currently with an open shrub canopy
- diversify the shrub and herbaceous layers by adding more native species
- add understory tree or tall shrub seedlings to provide organic nutrients and succession to the forest habitat and to increase foraging, nesting, and hiding habitat for wildlife. Seedlings also enhance the shrub layer structure during part of their life cycle.
- reduce human disturbance by directing foot travel onto designated pathways

W1a includes a seasonal drainage and small seep wetland with upland slopes along its periphery. The wetland is disturbed as shown by the presence of non-native grasses and forbs with ivy coming in at its edge. W1a is the only identified habitat that includes a defined wetland within its boundaries.

Specific recommendations for W1a:

- improve flow into the drainage from uphill areas
- remove the trail which crosses this area near the road
- impound water thus providing a more definitive water source for wildlife, including potential breeding habitat for amphibians.
- add downed logs to provide habitat for amphibians and foraging opportunities for birds
- salvage existing native wetland plants, where possible, and replace in kind with other native wetland plants to enhance habitat diversity.

Habitat improvements within W1 forest types would show quick results, some within the first year, others over time, as shrubs become more established. Non-native plant removal is also manageable within Phase I.

### **W2**

Recommendations for W2a and b:

- remove large established stands of exotic vegetation
- diversify shrub and herbaceous species and structure throughout habitat area

W2a and b projects should focus on beginning the process of non-native plant removal, particularly removing the larger flowering stands of clematis before seeds are set each fall. In some areas, large shrubs could be planted immediately to "hold the ground" against re-invasion.

Recommendations for W2c:

- control the Himalayan blackberry at the upslope edge
- enhance the area by adding native shrubs, especially along the park road to provide a continuous shrub layer that connects to areas north and south of this habitat
- remove exotic grasses and other herbaceous plants and replace with native species

W3

- remove ivy and exotic grasses
- add native upland meadow species, thus providing a diverse source of food and cover for foraging birds and insects. Note: native grasses, especially bunch grasses, should be mowed only once or twice per season and thus their use will require a change in the maintenance regime.
- add a few low-growing shrubs within this habitat type or along its edge, where lacking, to provide hiding and resting cover for foraging birds.

W3 areas are small and can be successfully treated and replanted with positive results realized within a growing season. They are located near paths which will provide park uses with opportunities for wildlife to view foraging birds and butterflies.

Mt. Tabor Master Plan



Figure 1. Mt. Tabor Park Wildlife Habitats

Legend

- |  |   |
|--|---|
| <p>W1 Forest Habitat with the highest current value and highest potential for enhancement</p> <p>W2 Forest Habitat with moderately low to moderately high current value and high need for exotic plant removal</p> <p>W3 Meadow Habitat (managed open grass/lawns) with low to moderate habitat value and high potential for enhancement</p> | <p>W1a, b, and c: subareas identified for specific enhancement measures</p> <p>W2a, b, and c: subareas identified for specific enhancement measures</p> <p>W3: meadow habitats with similar enhancement needs</p> |
|--|---|

9

*Interpretation is...an educational activity which aims to reveal meanings and relationships through the use of original objects, firsthand experiences, and illustrative media, rather than simply to communicate factual information.*

*Freeman Tilden*

Good interpretation enhances the outdoor experience. It helps people appreciate a place by understanding its unique natural and cultural history. Through interpretive messages, people come to feel a connection with the various cultural groups, history, politics, transportation, settlement, and natural resources of a place. They learn more about their own distinctive community. This connection leads to a sense of ownership and stewardship, paramount in enlisting visitors to care for their parks.

Informal learning is part of the recreational experience, and interpretation, combining education and entertainment, is the perfect medium. When people enjoy their parks, they return frequently, stay longer, and encourage others to visit through word-of-mouth publicity. They also feel a sense of ownership, and a desire to care for them.

For management, helping visitors understand why an area has certain regulations can assist park managers in enforcement. For example, if visitors understand they need to stay out of an area in order to rehabilitate an eroded hillside, they are more apt to obey and encourage others. Explanations work better than "stay out" signs.

Mt. Tabor Park is an ideal place to kindle curiosity about both natural and human history, and discover important connections to the environment. Interpretation can explain where, how, and why habitat areas are restored, how native plants are used in the landscape, and explain use of recycled construction & building materials at the park (and even how visitors might integrate them into their landscapes at home).



# Interpretive Guidelines

## Interpretive Development

Encourage protection of the park and its natural and cultural resources by providing interpretive messages related to their protection.

Provide visitors a means, through interpretation, to recognize and understand key historic and natural features in Mt. Tabor Park.

Develop positively worded messages to educate visitors about preservation efforts and their role in preserving and protecting natural and cultural resources.

Promote visitors' leaving the site with increased observation skills, knowledge, and a desire to return again.

Provide a coordinated approach to interpretive development that is thematic and organized to avoid duplication of messages. Interpretive signage, programming, and environmental education should be professionally created and designed. All should have carefully blended text and graphics whose content is driven by the themes.

## Design & Construction

Demonstrate excellence in design and construction to encourage respectful visitor behavior on site. This also encourages positive attitudes toward City of Portland management of the site.

Carefully and sensitively select and locate interpretive programs and facilities.

Interpretive development should enhance understanding, but be relatively unobtrusive. It should not intrude upon the park environment or particular setting.

Interpretive signs should be mounted on structures consistent throughout the park. There are look-over panels (more passive) on metal, wood, or stone bases, as well as stand-up panels (more active).

Stephanie

Sec Water Satm  
Pg 137 ①

## Guidelines for Reconstructing Cultural Landscapes

## GUIDELINES FOR THE TREATMENT OF CULTURAL LANDSCAPES

### RECONSTRUCT NON-SURVIVING LANDSCAPES

#### Research and Document Historical Significance

##### Recommended

Researching and documenting the property's historical significance, focusing on the availability of documentary and physical evidence needed to justify reconstruction of the non-surviving cultural landscape.

##### Not Recommended

Undertaking a reconstruction based on insufficient research so that, an historically inaccurate cultural landscape is created.

Reconstructing a cultural landscape unnecessarily when an existing landscape adequately reflects or explains the history of the property, the historical event, or has the same associative value.

Executing a design for the landscape that was never constructed historically.

#### Investigate Archeological Resources

Investigating archeological resources to identify and evaluate the spatial organization and land patterns which are essential to the design and/or layout of the landscape.

Failing to identify and evaluate archeological information prior to reconstruction, or destroying extant historical information not relevant to the reconstruction which should be preserved in place.

Minimizing ground disturbance to reduce the possibility of destroying archeological resources.

Operating heavy machinery or equipment in areas where it may disturb archeological resources.

#### Identify, Protect and Preserve Extant Historic Features

Identifying, protecting and preserving extant historic features of the cultural landscape such as remnants of structures, field patterns, or walkways.

Beginning reconstruction work without first conducting a detailed site investigation to physically substantiate the documentary evidence.

Basing a reconstruction on conjectural designs or different features from other cultural landscapes.

### SPATIAL ORGANIZATION AND LAND PATTERNS

Reconstructing the historic spatial organization or land patterns, including the size, configuration, proportion and relationship of landscape units; relationship of features to landscape units; and the landscape units themselves. For example, recreating a historic farmstead by reconstructing all of its buildings, structures, furnishings and objects to accurately convey the historic spatial organization and land patterns.

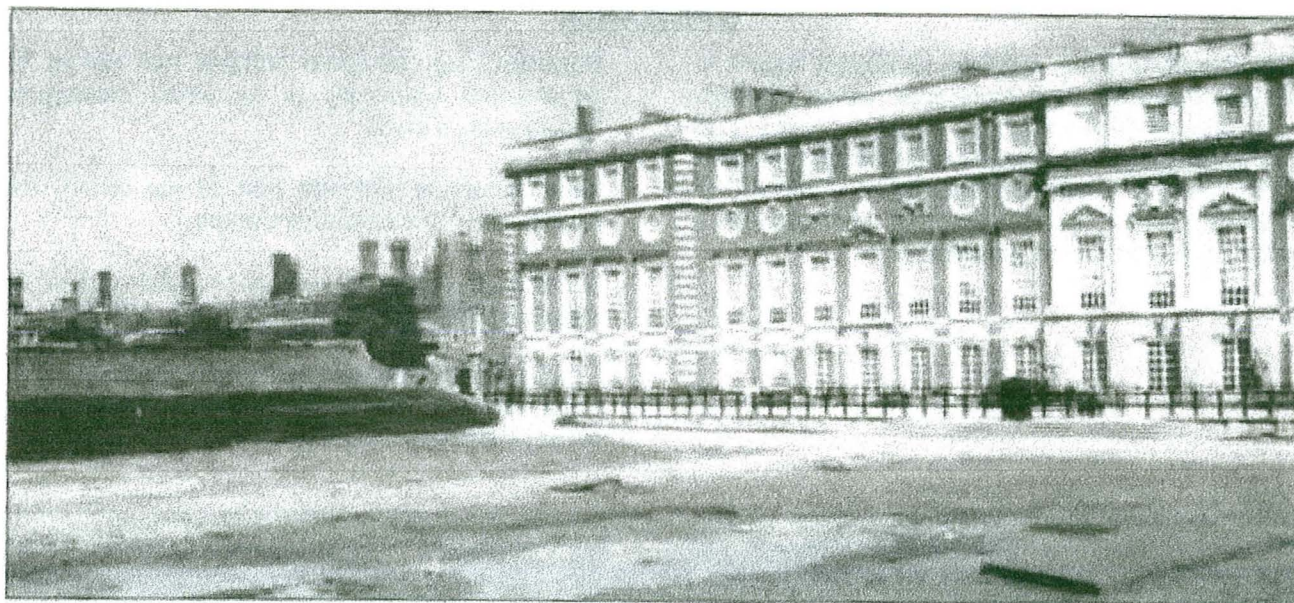
Altering the documented spatial organization or land patterns or relocating extant features so that the historic relationship between the feature and the landscape unit is inaccurately depicted. For example, relocating a statue along an estate's main access after it was recovered from an off-site location.

### TOPOGRAPHY

Reconstructing a non-surviving topographic feature to depict the documented historic appearance.

Reconstructing topographic features that cannot be documented historically or for which inadequate documentation exists.





The Privy Garden at Hampton Court, U.K., was originally designed for King William III in 1702. By the mid-nineteenth century, William and Mary's 'brogade' had completely disappeared. Since that time, the formal garden laid out for William III had provided an informal and shady retreat for visitors. As the scholarly basis for the reconstruction, archaeology revealed the outlines of the garden, floor and masonry, and was coupled with extensive research into the original planting design. The work included the propagation of original plants and trees to allow for in-kind replacement (bottom and following pages). All non-original vegetation from the garden (e.g. relocating trees of horticultural importance from later designs to an off-site nursery) was removed (author, 1994 and 1995).



## VEGETATION

Reconstructing a non-surviving vegetation feature to depict the documented historic appearance. Although historic genus, species and cultivar are preferable, substitute materials may be used as long as they recreate the historic appearance—namely habit, form, color, texture, bloom, fruit, fragrance, scale and context. For example, reestablishing a lost corn field using a contemporary cultivar having the same habit and growth cycle.

Reconstructing vegetation features that cannot be documented historically or for which inadequate documentation exists. For example, installing a 'period' herb garden.

Using substitute materials that do not convey the appearance of the historic vegetation.

Not reconstructing a documented vegetation feature; or, replanting a feature but altering its historic appearance.

Failing to identify and interpret the reconstruction of a lost vegetation feature, thus confusing the public understanding.

## CIRCULATION

Reconstructing a non-surviving circulation feature to depict the documented historic appearance. Although traditional materials such as masonry, wood, and iron are preferable, substitute materials may be used as long as they recreate the historical appearance. For example, utilizing a color pigmented concrete with a brushed finish to recreate a swept path.

Reconstructing circulation features that cannot be documented historically or for which inadequate documentation exists.

Using substitute materials that do not convey the appearance of the cultural landscape.

Not reconstructing a documented circulation feature; or, rebuilding a feature but altering its historic design.

Using inappropriate alignment, surface treatment, width, edge, grade, materials or infrastructure that do not convey the historic appearance.



### WATER FEATURES

Reconstructing a non-surviving water feature to depict the documented historic appearance. Although traditional materials are preferable, substitute materials may be used as long as they recreate the historical appearance. For example, utilizing contemporary masonry units to re-create a stone-lined boat basin.

Reconstructing water features that cannot be documented historically or for which inadequate documentation exists.

Using substitute materials that do not convey the appearance of the cultural landscape.

Not reconstructing a documented water feature, or rebuilding a feature but altering its historic design.

Using inappropriate shape, edge and bottom condition/ materials, or water level, movement, sound, and reflective quality that do not convey the historic appearance.

### STRUCTURES, FURNISHINGS AND OBJECTS

Reconstructing a non-surviving structure, furnishing or object to depict the documented historic appearance. Although traditional materials such as masonry, wood, and architectural metals are preferable, substitute materials may be used as long as they recreate the historical appearance. For example, recreating a stone perimeter wall using a poured concrete core and stone facing.

Reconstructing a structure, furnishing and object that cannot be documented historically or for which inadequate documentation exists.

Using substitute materials that do not convey the original appearance of the cultural landscape.

### Interpret the Reconstructed Landscape

Using signs or interpretive markers to identify the building, structure, furnishing or object as a contemporary re-creation. For example, installing new signage along a historic motorway, to identify the reconstruction of a scenic overlook.

Failing to identify and interpret the reconstruction of a structure, furnishing or object as a re-creation, thus confusing the public understanding.

*Whereas preservation, rehabilitation, and restoration treatments usually necessitate retrofitting to meet code and energy requirements, in this treatment it is assumed that the reconstructed landscape will be essentially new construction. Thus, only minimal guidance is provided in the following section, although the work must still be assessed for its potential negative impact on the reconstructed landscape.*

### ACCESSIBILITY CONSIDERATIONS

Taking accessibility requirements into consideration early in the planning stage so that barrier-free access can be provided in a way that is compatible with the reconstruction.

Obscuring or damaging the appearance of the reconstructed landscape in the process of providing barrier-free access.

### HEALTH AND SAFETY CONSIDERATIONS

Considering health and safety code requirements early in the planning stage of the project so that work is compatible with the reconstruction. For example, the installation of fire suppression systems or seismic retrofits.

Meeting health and safety requirements without considering their visual impact on the reconstruction.

### ENVIRONMENTAL CONSIDERATIONS

Taking environmental protection requirements into consideration early in the planning stage so that desirable environmental conditions can be provided in a way that is compatible with the reconstruction. For example, re-establishing a wetland to comply with applicable environmental regulations, while recreating the feature as it appeared historically.

Obscuring or damaging the appearance of the reconstructed landscape in the process of providing environmental protection.

### ENERGY EFFICIENCY

Considering energy efficiency requirements, such as passive solar functions or water conservation methods, early in the planning stage of the project so that work is incorporated into the reconstruction.

Obscuring or damaging the appearance of the reconstructed landscape in the process of providing energy efficiency.



# **PORTLAND WATER BUREAU:**

## **Further advances in asset management would benefit ratepayers**

June 2012

**LaVonne Griffin-Valade**  
City Auditor

**Drummond Kahn**  
Director of Audit Services

**Beth Woodward**  
Senior Management Auditor

**Tenzin Choephel**  
Management Auditor

Office of the City Auditor  
Portland, Oregon



management, and ongoing improvement efforts. Table 3 describes how results from each of the sections will be used by the bureau as part of next steps.

Table 3. Next steps for AMP section content

Section Topic	What will be used	Where it will be used
1. Introduction		
2. Levels of Service	Service Levels and workload measure proposals	In Budget Programs and in the Budget Program reports
3. Asset Inventory and Valuation	Estimates of what we have and the replacement value	In the Water System Status and Condition report
4. Asset Condition and Utilization	Estimates of asset condition	In CMMS or GIS (if not already there); in Water System Status and Condition report
5. Failure Modes and Asset Life	Identification of key failure modes and estimates of asset life	In CMMS (failure mode drop down menus – if not already there); in forecasting model – if not already there
6. Risk	Potential high risk assets; consequence of failure categories	Risk Committee will be meeting and updating risk database with new information
7. Strategies	Strategy recommendations	Strategy sub-committee of AMSC will be prioritizing strategies for budget process
8. Budget Forecasting	Budget estimates	Strategy sub-committee of AMSC will be using budget estimates for prioritized strategies
9. Performance Tracking	Implementation outcomes	Quarterly program reports and in the annual Key Service Level report
10. Improvement Plan and Data Requirements	Next steps to improve AMP and to improve data	Data improvements will be used in Data Management AMP; AMP co-leads will be following up on improvement tasks

**9. Explicitly incorporate an accountability framework throughout the Bureau to increase the likelihood of successfully meeting its objectives as intended.**

As recommended by the Auditor, the bureau will document the authority and responsibilities of the Asset Management Steering Committee and other AMP team members for implementing AMPs.



May 30, 2012

TO: Auditor LaVonne Griffin-Valade

FR: Commissioner Randy Leonard

Water Bureau Administrator David Shaff

RE: Audit #405, Further Advances in Asset Management Would Benefit Ratepayers

Thank you for the opportunity to comment on Audit #405, Further Advances in Asset Management Would Benefit Ratepayers. We acknowledge receipt and generally concur with the analysis and recommendations of the audit.

As you note in the audit Summary, "...the Bureau has been recognized as a leader in asset management." We are very proud of our asset management program and embrace the principal idea of the report that encourages further advances. We believe that we are on the path of advancement and that we will continue to be recognized as a national leader in asset management practices.

Although we agree generally with the recommendations, we would like to provide the following comments and observations to each of the 9 recommendations:

**1. Deploy resources, formalize leadership and develop accountability structures to implement a data management approach that meets the Bureau's asset management and other business process needs.**

The bureau has formed a Data Management Committee (DMC) and charged it with coordinating the implementation of Information Technology activities within the bureau. The DMC officially reports to the Asset Management Steering Committee, and the chair of the DMC (Mary Ellen Collentine) is now officially a member of the Asset Management Steering Committee. Mary Ellen Collentine is also the owner of the bureau's Data Management Budget Program. Staff representing the bureau's groups and all data system managers are members of the DMC. The committee has begun meeting.

There are subcommittees to specifically address asset-related issues, IT system issues, and business workflow issues. The committee has a series of tasks identified, all of which come from our IT Action Plan. Some of the tasks specifically assigned to this committee include developing a data model, conducting a business intelligence needs assessment, and developing and implementing an asset management plan for data. Staff is being assigned to these tasks, and work plans will be developed shortly. The

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## Chapter 6 Recommendations

The Bureau has made progress in developing and using some asset management tools such as business case analyses and Asset Management Plans, and it has documented its commitment to achieving the benefits of using an asset management approach. However, five years after signing its Asset Management Charter, many of management's objectives have not yet been achieved. Improving the Bureau's overall structures for performance accountability and the decision process would address many of the conditions that are impeding asset management. For example, management could clarify to field crews that collecting data is an essential part of field work performance, and hold them accountable for collecting it, so that it can be used to determine lowest cost maintenance. Management's reliance on persuasion and voluntary cooperation to achieve essential work products and results is not effective by itself.

The Bureau can build on the work it has accomplished, overcome barriers described in this report and achieve its stated asset management objectives to manage assets cost-effectively in the long term. To do this, the Bureau needs to make decisions based on evidence to provide service levels agreed upon by representative customers. With its aging assets, potential costly legal mandates, and questions from members of the public about the justification for rate increases, the Bureau must strengthen its asset management capability and use those tools to inform decisions and its customers. Over the long term, this asset management approach will benefit ratepayers.

We recommend that the Commissioner in Charge direct the Portland Water Bureau to implement these recommendations:



## Chapter 5 **Without useful plans to implement, decisions may not be the most cost-effective**

Despite its Asset Management Charter, and although asset management depends on substantial planning, the Bureau has no overall plan for managing assets. Instead, it is developing Asset Management Plans (AMPs) for each of about 20 of its major groups of similar assets like valves and fire hydrants. It completed drafts of less than a third of those plans, however, due in part to its data and resource limitations. Without plans, decisions are typically made on a case-by-case basis by individual managers, and the Bureau may not perform asset maintenance, repair and replacement at the best times to save costs. We found that even when the Bureau had plans for asset groups, the extent of plan implementation was unclear. We also found that the plans lacked elements needed for accountability.

### **No overall asset management plan and limited progress on specific plans**

Portland residents have told government that maintaining existing utility assets is more important than spending on new projects, according to Davis, Hibbitts & Midghall, Inc., a Portland research firm, and others. Our 2004 audit of the distribution system recommended that the Bureau prepare a comprehensive maintenance plan. The Bureau affirmed its responsibility to maintain water system assets in its strategic plan and Asset Management Charter, and it addresses maintenance within AMPs. However, we found the Bureau has no overall plan for managing assets. Bureau management told us that one overall plan is not needed because it is developing comprehensive AMPs, a focus that was expanded in 2010.

Instead of an overall AMP, the Bureau is developing separate AMPs for its different groups of similar assets, including pipes, pump stations, and fire hydrants. Its primary objectives for the AMPs are to deter-

member takes precedence. During completion of this report, the Bureau reported that the leads are accountable for AMP completion, and it "has assigned a tremendous amount of resources to preparation of the AMPs."

**Without plans,  
decisions are reactive  
and more costly**

Without management plans for cost-effective maintenance, repair and replacement, individual asset managers typically make decisions on an informal basis, and more maintenance is performed in a reactive manner. The perception of managers and staff is that the Bureau needs to do more planned maintenance to reduce the amount of reactive work. Without enough planned maintenance performed at the best time, the risk of service interruption is higher and repair and replacement is likely more costly overall. During interviews, Bureau officials identified a concern that the Bureau has fewer resources than it needs for ongoing maintenance because of its funding structure. The Bureau knows that when assets are not maintained as they should be, more time is spent reacting to problems than it would take to prevent the problems through adequate maintenance. Although reactive unplanned maintenance can be the most expensive maintenance and should not take up more than a 20 to 25 percent of total maintenance effort, according to the EPA, the Bureau performs at least 40 percent reactive maintenance on the distribution system, according to a Bureau manager.

**Bureau relies on individual subjective decisions**

Bureau managers and staff typically make asset maintenance decisions, case-by-case, based on their professional judgment including historical practice and historical best practice, manufacturers' recommendations, and "rules of thumb." While they may use sound judgment given available information, an individual's judgment about maintenance cannot substitute for analysis of long term risk and cost combined with planning. Informal individual decisions also are unlikely to result in the improved distribution of resources under management authority that implementing a complete AMP could achieve. Accepted historical practices may not be the most cost-effective, and not all managers have extensive experience to draw from.



# Capital Improvement Program

Portland Bureau of Water

## Strengths

- + Solid (tactical) plans related to infrastructure rehabilitation and replacement including the 2001 Infrastructure Master Plan and the 2006 Condition Assessment.
- + The Bureau has implemented a new "engineering excellence" program to improve CIP development and execution.
- + The system operates at a high level of reliability and appears to be in very good condition. For example, the Bureau's leak rates are extremely low by industry standards, and supply is highly reliable, even under very extreme weather conditions.
- + Relative to many water utilities, the Bureau appears to have good data on the history of many of its capital assets (including age, condition, material types, component condition, etc.).
- + External stakeholders appear to have a high level of involvement and input into the capital planning process (including project identification and selection).

## Opportunities for Improvement

- o Develop multi-year CIP plans that are adhered to by the Water Bureau and supported by stakeholders.
- o Continue efforts to improve accountability for CIP execution by utilizing (and expanding upon) existing performance metrics (changes to scope, schedule and budget, hard cost/soft cost performance, cost estimating accuracy by phase, etc.), reporting them monthly or at least quarterly and raising oversight of the CIP to the Director and Management Team level.
- o Further introduce "cutting edge" Asset Management practices into the development, assessment, and selection of capital improvement projects. Such practices include the development of business cases for projects that consider the "triple bottom line" (economic, social and environmental impacts).
- o Further develop and enhance the skills of Bureau staff who are responsible for developing and executing the CIP through improved/enhanced project management training.
- o May be able to reduce (CIP and O&M) costs by reevaluating planning, asset performance, and failure consequence assumptions. Some of the Bureau's assumptions appear to reflect a high degree of risk aversion. For example, the 2001 RWSP utilizes 1982 supply and demand figures as the basis for supply planning, while system demand appears to be flat or falling. Pump stations may be "over maintained" given the amount of redundancy at each station. The Bureau should constantly question the assumptions that drive its investment choices and O&M practices.
- o Fully recover costs from other City bureaus that benefit from the Bureau's capital investments such as meter replacements.
- o Tighten the link between regional water system development plans (the plans of its regional partners) with the Bureau's multi-year capital improvement program priorities.

2

## Strategic Planning

Portland Bureau of Water

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### Strengths

- + Bureau staff generally recognizes the need for a focused, easily understood strategic plan.
- + The Bureau has solid (tactical) plans related to infrastructure rehabilitation and replacement including the 2001 Infrastructure Master Plan and the 2006 Condition Assessment. These plans appear to be based on reasonable methodologies and thorough analysis of data, and can provide part of the foundation for a good strategic plan.
- + The Bureau appears to have a solid financial plan in place, and its financial performance in recent years has been very strong. The Bureau's strong financial management practices are a valuable asset in a strategic planning process.

### Opportunities for Improvement

- Development of a true strategic plan, supported by stakeholders, using a "balanced scorecard" (or similar) framework is a key opportunity. Such a plan should reflect the Bureau's desired strategic outcomes (and related strategies) for the next 3-5 years in the areas of customer service, asset/infrastructure performance, environmental performance, financial performance, workforce/employee development, and organizational excellence (productivity, etc.). The Plan could be developed using a scenario planning process, should include deliverables and timelines, and should be accompanied by tactical (action) plans.
- Development of a strategic plan would create the opportunity to:
  - Develop a robust program for performance monitoring and benchmarking (with other utilities).
  - Fully assess its goals, strategies and tactical plans for workforce development, including salary structures, training and development, career growth, etc.
  - Introduce "cutting edge" concepts and methodologies related to Asset Management into its planning processes.
  - Engage employee and external stakeholders in the development of the Bureau's mission, vision and strategic direction, and create buy-in to execute the plan.
  - Link the day-to-day work of the Bureau to its strategic goals, and in so doing, force the Bureau to question, prioritize, and focus its work more effectively.

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## Chapter 21.08 Extension of Water Mains

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### 21.08.010 Location of Mains.

(Amended by Ordinance No. 181715, effective April 2, 2008.)

**A.** Water mains are to be installed within public right-of-ways. The Chief Engineer of the Portland Water Bureau may authorize construction of a public main within a private tract of land dedicated and utilized as a private street. The City shall be granted an easement of sufficient width, as determined by the Chief Engineer. The easement agreement shall be on a form approved by the Chief Engineer, and it shall allow 24-hour unobstructed access to operate and maintain the public water system within the private street. The Chief Engineer or the Administrator shall determine the necessity to cross private land with a public main.

**B.** Water main extensions shall be installed a minimum of 5 feet past the closest property line of the parcel to be served.

**C.** If the Chief Engineer determines that an application for water service cannot be met because there is no main or the mains are inadequate for the demands projected, the person denied service may apply for the construction or improvement of mains to allow the service. Upon such application, the Chief Engineer shall prepare a cost estimate for the work to be performed, using such cost factors as the Chief Engineer determines are accurate and appropriate for the job. In order to receive water service, the applicant is obligated to pay for the costs assessed by the Portland Water Bureau for water main or main extensions to provide adequate flow to the site, using the most direct route through the public right of way for the main to reach the desired site, as determined by the Chief Engineer.

**D.** The Portland Water Bureau retains the right to use a larger main than required to serve the applicant's demands (although, at a minimum, any applicant is responsible for a main at least 6 inches in diameter) or an alternative route for the main. If the Portland Water Bureau installs a larger main or chooses an alternative route, the Portland Water Bureau shall assume the costs in excess of that required to serve the applicant's site using the most direct route in the public right of way and the size of main necessary for the applicant's demand.

### 21.08.020 Distribution Main Extensions Inside City; Cost Sharing.

(Amended by Ordinance Nos. 181715 and 182053, effective August 15, 2008.)

**A.** Except for purposes of improving an inadequate main as provided in Section 21.08.060 or if the Portland Water Bureau shares costs as provided herein, an applicant for a new or improved main shall pay the full costs of the new or improved main.

**B.** The Administrator of the Portland Water Bureau shall adopt by rule a methodology of cost sharing with applicants for the installation of new or improved water mains, main extensions, and fire hydrants installed by the

not exceed \$125,000. In no case shall the Portland Water Bureau's share of these costs exceed 50% of the total cost of a project, or a maximum share of \$62,500, whichever is less. In developing the cost sharing methodology, the Administrator shall consider the following criteria:

1. Public and private benefit derived from proposed privately financed water system improvements
2. Rate impacts
3. Availability of Portland Water Bureau budgetary funds

C. Notwithstanding and in lieu of the cost sharing authorized by Section 21.08.020 B., if an applicant's request for a single new residential service of 1 inch or smaller is not granted due to inadequate capacity of a 4 inch main or smaller, the provisions of Section 21.08.060 shall apply to establish allocation of costs.

D. At the discretion of the Chief Engineer, the cost of the project or components of the project shall be offered to the applicant at either a set price or time and materials basis. The Portland Water Bureau shall accept a deposit of 20% of the estimated cost for preliminary engineering work, the balance due prior to actual construction. For projects accepted by the applicant on a time and materials basis, if the actual cost of the main or main extension and the laying thereof is greater than the estimated cost, the applicant shall pay the difference to the Portland Water Bureau. Payment shall be deposited to the Water Operating Fund and transferred to the Water Construction Fund. If the actual cost is less than the estimated cost, the excess shall be refunded to the applicant. In determining actual costs, allowance shall be made for overhead expenses in accordance with the provisions of the City Code and the Annual Water Rate Ordinance. Determination of the amount to be paid or refunded after construction of the main shall be made by the Administrator, subject to appeal to the City Council, and the decision of the Council shall be final.

E. In no case after a set price has been established shall refunds or additional charges for the installation be made except in those cases where changes have been made at the request of the applicant.

F. In all cases the size of mains and main extensions and the specifications for laying the same shall be determined by the Chief Engineer, and water mains and main extensions within the City shall be installed solely by the City, except as otherwise provided herein and shall be the property of the City.

G. The developer of a new residential subdivision within the City may petition the Chief Engineer for permission to construct water mains and appurtenances within the limits of the subdivision. Water mains may also be installed in private streets subject to prior approval of the Chief Engineer and subject to all conditions contained in this Title. However, the costs of all such mains and appurtenances in subdivisions and private streets shall be borne by the applicant, including but not limited to planning, design, plan review, construction, inspection and project management, and may not request cost sharing provided in Section 21.08.020 for the mains and appurtenances. Any water mains or appurtenances that are placed in public rights of way shall become the property of the Portland Water Bureau. The Portland Water Bureau shall connect the privately constructed water facilities to the public main. Costs of connection shall be borne by the applicant unless the connection cost is less than \$125,000, in which case the costs shall be shared under standards developed pursuant to Section 21.08.020 A.

H. The Administrator may adopt administrative rules and procedures necessary to carry out the provisions of this chapter.

I. The effective date of this Chapter is July 1, 2007. The provisions of Section 21.08.020 shall be applied retroactively to projects which did not include a city cost share and were accepted and paid for by the applicant after June 30, 2007.

### **21.08.030 Fair Share Reimbursement.**

(Amended by Ordinance No. 181715, effective April 2, 2008.)

A. An applicant or applicants who pay for all or a portion of a new main or main extension may be reimbursed a portion of the cost of installation from other applicants who subsequently seek service from that main. To qualify for reimbursement, the main must be within the City of Portland, the date of application for service must be within 10 years of the water main or main extension's installation date, and the property for which service is sought must not have been owned by the applicant who paid for the main or main extension.

B. If the Portland Water Bureau elects to cost share with the applicant under Section 21.08.020 in the cost of installation of new main or main extension, the applicant shall not qualify for any reimbursement.

C. When reimbursement is warranted, the Portland Water Bureau shall collect a pro rata share of the cost of the

main installation from each customer who, within ten years of the main installation, subsequently connects to the main and make an equivalent reimbursement payment to the individual who paid for the main. Pro rata shares for payment by new customers and reimbursement shall be calculated as follows: The initial cost of main installation shall be divided by the total length of the main, in feet. The per-foot cost of the main shall then be multiplied by the frontage length of the new service applicant's property, in feet, times 50 % [(cost of installation divided by total length) X frontage X 0.50 = payment]. The required payment shall be reduced for depreciation at the rate of 2 1/2 % per year, computed from the date of the main installation to the date of application for service.

#### **21.08.040 Extending Distribution Mains Outside the City**

(Amended by Ordinance No. 182053, effective August 15, 2008.) Any person desiring a main extension outside the City may make written application for construction of a water main. The Chief Engineer may approve of the main extension if it does not unreasonably impair water supply or pressure to existing services, whether inside or outside the City, and cannot reasonably be served through any other supplier.

The Chief Engineer shall determine if the water main extension is to be designed and constructed by the City, or if permission is to be granted for private design and construction of the main. If privately constructed, the work shall conform to Portland Water Bureau specifications. Upon Bureau inspection and acceptance of the new water system, the Bureau shall make connection to the existing water system. After acceptance by the City, the water main extension shall become the property of the City.

If the Bureau is to lay the main extension, the applicant shall pay to the Bureau the estimated cost thereof prior to construction. The cost includes the cost of any bond or other security required by any subdivision of government having jurisdiction over the location of the main extension. If the actual cost, including overhead expenses computed in accordance with the provisions of the finance regulations of City Code exceeds the amount prepaid, the applicant shall pay the difference to the Bureau. If the actual cost computed as herein prescribed is less than the amount prepaid by the applicant, the difference shall be refunded. When the applicant requests a set price for such installation, the Bureau shall establish a price based on the estimated cost and in no case after a set price has been established shall refunds or additional charges for the installation be made except in those cases where changes have been made at the request of the applicant.

The City shall not be responsible for any change or enlargement of the main or main extension outside the City, and shall not be responsible for any portion of the cost of relaying or changing the main or main extension because of subsequent improvement of any public work.

Application for connection of property outside the City to City water main or main extension shall be deemed a waiver of any deficiency of supply, pressure, or any other inadequacies, whether attributable to prior or future connections or extensions, and shall be deemed a covenant that the applicant shall comply with all provisions of this Title and the rules and regulations of the Bureau and must have prior approval of the Portland City Council.

#### **21.08.050 Adequate Mains Before Street Improvement.**

(Amended by Ordinance No. 182053, effective August 15, 2008.) The Chief Engineer of the Portland Water Bureau may require that adequate water mains be installed in accordance with the provisions of this Title prior to street improvement.

#### **21.08.060 Installation of Adequate Distribution Mains Inside the City.**

(Amended by Ordinance No. 182053, effective August 15, 2008.) If a petition for a new residential service of 1 inch or smaller is not granted due to inadequate capacity of a 4 inch main or smaller, the applicant may wait until the main is enlarged by the City. If petitioner wants the main enlarged sooner than the City's timetable the petitioner may request that the City adjust the timetable and replace the main without delay. The Administrator together with the Chief Engineer will review this request. If the Administrator and Chief Engineer decide, in their discretion, to grant the request to enlarge the main, the petitioner shall pay a portion of the cost of enlarging the main. The Bureau will pay all remaining costs. The portion of the main paid by the City is sixty-five percent (65%) unless that figure is changed by the annual water rate ordinance. All requirements of Section 21.08.030 "Fair Share Reimbursement" will apply except that the full cost of the main will not be charged to the petitioner.

#### **21.08.070 Council Authorization for Laying Water Mains.**

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Council or its administrative officers may cause to be laid or installed at City expense, whatever pipelines, extensions, enlargements at the time of initial main installation or subsequently, interconnections, pumps, tanks, reservoirs, dams, works, and appurtenances which are found by the Administrator and the Commissioner-In-Charge to be necessary, advantageous, or convenient. This shall not be deemed to confer any right or privilege upon any person or premises to have a water main laid at sole City expense. The portion of the cost of any main and the laying thereof installed to serve residential premises or area only, and laid after August 1, 1957, which is in excess of the cost of a 6 inch ductile iron main and the laying thereof, shall be deemed allocable to water supply. Such allocation shall be paid from the Water Construction Fund at City expense except where Portland Fire & Rescue requires larger flows for fire protection requirements, those costs shall be at the applicant's expense.

4.



**5.36.010 Disposition of Surplus Property.**

(Replaced by Ordinance No. 179813; Amended by Ordinance No. 181483, effective January 18, 2008.)

**A. Definition:**

**1.** "Surplus Property" means: tangible personal property owned by the City, including equipment and materials, which is no longer needed by the City Bureau or Office that owns it. Examples include inventoried and non-inventoried office furniture, specialized equipment, and items that are obsolete or overstocked.

**B. City Capital Asset Disposal Documentation:** The bureau initiating the transfer, donation, sale, or disposal of surplus property that has been inventoried as a capital asset, shall comply with City Accounting Administrative Rules regarding disposal of capital assets, which establish minimum standards for the disposal of capital assets and subsequent reporting in the financial records.

**C. City Assets Procured with the Proceeds of Tax-Exempt Bonds:** The bureau initiating the transfer, donation, sale, or disposal of surplus property that was procured with the proceeds of tax-exempt bonds should contact the City's debt management office prior to disposal of the property to determine what, if any, limitations exist on the disposal of such property and the use of any revenue derived from such disposal.

**D. Usable Surplus Property:** Whenever a Commissioner-In-Charge, or designee, determines that surplus property exists, the property may be disposed of in one of the following ways:

**1. Inter-Bureau Transfer or Sale -** Surplus property may be transferred or sold to another City bureau upon written request from the director of the bureau that has a use for it.

**2. Negotiated Direct Sale -** Surplus property with an individual or aggregate current market value under \$5,000 may be sold as follows:

**a.** The bureau obtains three written or verbal price quotations prior to final sale;

**b.** The bureau negotiating the sale keeps written records of the price quotations, the amounts, and if necessary, the reason why three quotations could not be obtained;

**c.** The bureau sells the surplus property to the highest bidder meeting all conditions of the sale; and

**d.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.

**3. Public Sale -** The City Council may authorize the sale of surplus property through an external auction service. If the City does not have a contract with an external auction service, the bureau may conduct a public auction subject to the following conditions:

**a.** The bureau shall give notice of such public auction at least once within ten days prior to the date of the auction in a newspaper of general circulation published in the City; such notice shall give the time and place of the auction;

**b.** The bureau shall sell the surplus property to the highest bidder meeting all conditions of the sale; and

**c.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.

**4.** Public Sale through State - Surplus property may be sold pursuant to an established intergovernmental agreement with the State of Oregon Surplus Property Program. When surplus property is sent to the State Surplus Program for sale on behalf of the City, a minimum sale price shall first be established when appropriate. Any revenue received from the sale of surplus property through the State Surplus Program shall be credited to the bureau that owned the surplus property.

**5.** Donation - Surplus property may be donated to the State of Oregon Surplus Property Program, other public agencies, or to charitable organizations certified under the Internal Revenue Code Section 501(c)(3) as follows:

**a.** Donations with an individual or aggregate current market value of \$5,000 or less must be approved by the Commissioner-In-Charge, or designee, of the bureau that owns the property.

**b.** Donations with an individual or aggregate current market value of more than \$5,000 must be approved by the City Council, by ordinance.

**c.** The City shall provide the recipient of donated property with appropriate documentation transferring ownership of the property to the recipient. The recipient shall agree to hold harmless, defend and indemnify the City of Portland, its officers, agents and employees from any claims, demands, actions and suits (including attorney fees) arising from its use or receipt of the surplus property.

**d.** The Director of the Bureau or Office that owned the surplus property shall complete and retain a donation form for each donation made during the fiscal year and submit all forms to the City Auditor at the end of the fiscal year. The donation form shall contain:

**(1)** A description of the surplus property donated; and,

**(2)** The name of the recipient of the surplus property; and,

**(3)** The originating bureau; and,

**(4)** The estimated market value of the surplus property at the time of donation.

**E.** Unusable Surplus Property: A Commissioner-In-Charge, or designee, may dispose of surplus property if it is determined that the surplus property is unusable, inoperable or not reasonably repairable, hazardous, or is of insufficient value to warrant a transfer, sale, or donation as prescribed in this Section. In addition to disposing of unusable property in accordance with existing federal, state, or local disposal regulations, every effort shall be made to recycle or otherwise dispose of property in an environmentally sound manner.

**F.** Exempt Property. The following surplus property, whether usable or unusable, shall not be transferred, donated, sold, or otherwise disposed of without Council approval or as otherwise provided by City code, policy, or procedure.

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**Accounting Administrative Rules**

### **FIN-6.12 - Disposal of Capital Assets** - Printable Version

#### **DISPOSAL OF CAPITAL ASSETS**

*Administrative Rule Adopted by Council*

ARC-FIN-6.12

#### **Purpose**

The purpose of this administrative rule is to establish minimum standards for the disposal of capital assets and subsequent reporting in the financial records.

#### **Authority**

Authority for this administrative rule is established in the City Charter and the City Code. This administrative rule has been approved by the City Council.

#### **Monitoring**

The Accounting Division of the Bureau of Financial Services of the Office of Management and Finance (Accounting Division) will periodically monitor bureaus to assess compliance with the minimum standards of this rule. As instances of non-compliance are identified, bureaus will be required to develop and implement a corrective action plan. The Accounting Division will provide assistance to bureaus, if requested, to develop this plan. The Controller will report all instances of non-compliance annually to the Chief Financial Officer (CFO) and City Council.

#### **Definitions**

"Book value" or "net book value" means historical cost of a capital asset less any related accumulated

### **Table of Contents**

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and Reimbursements**

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**FIN-6.08 - Petty Cash  
and Change Accounts**

depreciation.

"Disposal" means to relinquish ownership of an asset in a conclusive manner by sale, exchange, transfer, involuntary conversion, abandonment, or donation.

"Impairment" means significant, unexpected decline in the service utility of a capital asset.

"Retire" means to withdraw an asset from normal usage or service.

"Surplus property" means tangible personal property, including capital assets or minor equipment, no longer needed by the owner. Examples include office furniture, computer equipment, vehicles, and items determined to be obsolete or overstocked.

**See additional definitions in Accounting Administrative Rule FIN-6.11 - Capital Assets.**

### **General Guidelines and Responsibilities for Disposal of Capital Assets**

1. Capital assets retired from service shall be disposed of in the most efficient and cost effective manner possible.
2. Capital assets shall be disposed of in a manner that is environmentally responsible.
3. Tangible personal property shall be designated as surplus and authorized for disposal in accordance with City Code Chapter 5.36 Property Control.
4. Vehicles and vehicular equipment shall be designated as surplus and disposed of by the Office of Management and Finance – Business Operations.
5. Information technology and communication equipment shall be designated as surplus and disposed of by the Bureau of Technology Services. City data and software shall be removed from such equipment in accordance with Bureau of Technology Services Policies and Administrative Rules.
6. Minor equipment items, which by definition are not capital assets, shall also be designated as surplus and disposed of in accordance with the above guidelines.

### **Recordkeeping and Accounting for Disposal of Capital Assets**

1. Capital asset disposal records shall be maintained in accordance with Generally Accepted Accounting Principles under the direction of the Accounting Division.
2. Capital asset disposal records shall be retained in accordance with City policies and retention schedules

**FIN-6.09 - Capitalization of Computer Software Developed or Obtained for Internal Use**

**FIN-6.10 - Cash**

**FIN-6.11 - Capital Assets**

**FIN-6.12 - Disposal of Capital Assets**

**FIN-6.13 - Travel**

**FIN-6.14 - Non-travel Meals, Light Refreshments and Related Miscellaneous Expenses**

**FIN-6.15 - Internal Controls and Management's Responsibility**

**FIN-6.16 - Chart of Accounts**

→ "Intangible asset" means an asset lacking physical substance that has a useful life greater than a single CAFR reporting period, for example, computer software. See also Accounting Administrative Rule FIN-6.09 - Capitalization of Computer Software Developed or Obtained for Internal Use.

→ "Land" means real estate held for productive use. The cost of land shall include any ancillary charges necessary to ready the land for its intended use such as draining, filling, and grading. Land is not depreciated.

"Leasehold Improvement" pertains to leased property for which ownership does not transfer to the lessee at the end of the lease and includes additions or changes to prepare leased assets for initial or continued use. Ownership of such improvements reverts to the lessor upon expiration of the lease.

→ "Maintenance and repairs" mean periodic expenditures that sustain an asset in good working order throughout its estimated useful life. Maintenance and repairs do not expand the capacity or extend the useful life of the asset and are therefore not capitalized.

"Minor equipment" means tools and equipment with a unit cost of less than \$5,000. Minor equipment is expensed at acquisition and is not capitalized.

"Network" means a group of assets that provide a particular service, for example, a water distribution system or a sewage treatment plant.

"New component" means the addition of an item, structure, or function to an existing asset for which no such item, structure, or function previously existed. A new component shall be treated as a separate asset.

"Salvage Value" means the expected residual value of a capital asset at the end of its useful life. Salvage value is deducted from cost in calculating depreciation.

"Subsystem" means all assets that comprise an identifiable segment of a network or system of assets. For example, within a water distribution network are subsystems of pumping stations, storage facilities, and water mains.

"Useful Life" means the typical estimated life of a capital asset placed into service at the purpose for which the asset was acquired.

"Works of art and historical treasures" mean visual creations and artifacts sited where accessible to the public.

## → Responsibilities and Accounting for Capital Assets

1. Bureaus shall maintain assets in working condition.
2. Bureaus shall maintain effective internal controls to safeguard capital assets,



including:

- a. Separation of duties among personnel -
  - i. Authorizing purchase of capital assets;
  - ii. Accepting deliveries of assets purchased;
  - iii. Preparing payment vouchers for such purchases;
  - iv. Authorizing vouchers for payment;
  - v. Serving as custodian for the assets; and
  - vi. Conducting physical inventories of the capital assets.
  - vii. Alternative compensating controls may be used where limited staff size precludes full segregation of duties.
- b. Measures to physically safeguard assets, such as asset tags, locks, passwords, and other security devices deemed appropriate by the circumstances.
3. Bureaus acquiring capital assets shall promptly and accurately record such expenditures throughout the fiscal year as items are placed into service. Supporting documentation for each asset recorded shall include an Asset Acquisition Form completed in accordance with instructions provided by the Accounting Division.
4. Bureaus accepting donated capital assets shall do so in compliance with City Code 5.36.090 and shall promptly and accurately record such assets upon receipt. Supporting documentation shall include an Asset Acquisition Form completed in accordance with instructions provided by the Accounting Division.
5. Bureaus shall attach asset tags to equipment items whenever practical. As assets are acquired and Asset Acquisitions Forms received, the Accounting Division shall provide bureaus with official pre-numbered asset tags.
6. Capital asset and depreciation records shall be maintained in accordance with Generally Accepted Accounting Principles (GAAP) under the direction of the Accounting Division.
7. Capital asset acquisition records shall be retained, even after an item becomes obsolete or is no longer in service, in accordance with City policies and retention schedules published by the City Auditor.
8. Original titles for real property shall be presented to the City Auditor's office for permanent retention.
9. Title to works of art and historical treasures shall vest in the City; however, the Regional Arts and Culture Council shall select, maintain, and make decisions regarding deaccessioning per City Code section 5.74, "Acquisition of Art."

### Capitalization Thresholds

1. Asset capitalization thresholds shall be established and maintained by the Accounting Division.
2. Thresholds by asset category have been established as follows:
  - a. Land - none.
  - b. Buildings - none.
  - c. Improvements - \$10,000.
  - d. Infrastructure - \$10,000.
  - e. Leasehold Improvements - \$10,000.



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**Section 11-104 Funds.** - Printable Version

After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund.

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund. After deducting sinking fund requirements, operating expenses of the water works and plant and the Water Bureau, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the Council may transfer any excess in the Water Fund to the Water Construction Fund.

The Council may make transfers between funds in the Water Bureau, but the funds and accounts of the Water Bureau relating to water plant and works shall be separate from other accounts and funds of the City and treated as a separate municipal operation. The Council may impose charges it finds equitable upon the operation of the water system for municipal services of other departments, bureaus and officers, and may impose fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not be transferred to the General Fund of the City, nor to special funds unrelated to the water works, water system and the sinking funds for water bond debt service. [New sec. Nov. 8, 1966.]

**Chapter 11 Special Servc**

**Article 1 Water Works**

[Article 2 Special Facilities](#)

[Article 3 Sewage Disposal or Purification](#)

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## CITY OF PORTLAND

## FINANCIAL SUMMARY

## SUMMARY OF ALL FUNDS - Continued:

## Requirements by Object:

	2011-12 Actual	2012-13 Actual	2013-14 Budget	2014-15 Budget	Budget % Change
Personal Services	588,163,762	590,535,967	623,040,269	630,131,517	1.1%
Materials & Services	632,690,932	645,213,682	655,782,861	683,724,884	4.3%
Internal M & S (Service Reimbursements)	185,658,411	183,110,084	184,688,348	187,110,093	1.3%
Capital Outlay	208,095,783	197,945,899	300,444,490	243,031,072	-19.1%
Debt Service	657,535,272	614,641,685	466,171,168	455,840,619	-2.2%
Fund Transfers	520,242,974	515,074,096	636,190,841	584,279,853	-8.2%
Contingencies	0	0	593,080,754	592,451,758	-0.1%
<b>Sub-Total Requirements</b>	<b>2,792,387,134</b>	<b>2,746,521,413</b>	<b>3,459,398,731</b>	<b>3,376,569,796</b>	<b>-2.4%</b>
Ending Fund Balance	662,488,242	845,253,836	157,963,467	259,355,877	64.2%
<b>TOTAL REQUIREMENTS</b>	<b>3,454,875,376</b>	<b>3,591,775,249</b>	<b>3,617,362,198</b>	<b>3,635,925,673</b>	<b>0.5%</b>

## SUMMARY OF BUDGET - BY FUND

General Fund	505,864,346	510,349,966	514,362,395	515,119,779	0.1%
General Reserve Fund	48,984,519	51,080,120	61,208,376	62,921,825	2.8%
Grants Fund	121,373,201	59,578,447	69,548,469	35,908,085	-48.4%
Fire & Police Disability & Retirement Fund	142,051,431	150,949,138	162,103,816	166,956,702	3.0%
Children's Investment Fund	15,068,013	11,040,605	9,652,748	12,527,535	29.8%
Parks Local Option Levy Fund	4,354,014	2,917,812	2,148,018	973,981	-54.7%
Bonded Debt Interest & Sinking Fund	11,477,218	11,205,017	10,676,015	12,574,133	17.8%
BFRES Facilities GO Bond Construction Fun	3,577,960	1,731,505	2,355,346	2,315,433	-1.7%
Emergency Communication Fund	24,666,570	23,569,640	23,303,204	22,879,499	-1.8%
FPD&R Reserve Fund	1,500,000	1,500,000	750,000	1,500,000	100.0%
FPD&R Supplemental Retirement Reserve Fu	44,380	36,428	28,000	19,600	-30.0%
Police Special Revenue Fund	2,463,928	2,633,864	1,779,640	2,129,381	19.7%
Public Safety GO Bond Fund	33,394,683	31,122,981	68,305,908	12,178,708	-82.2%
Golf Fund	9,134,673	9,241,250	9,483,178	11,347,102	19.7%
Golf Revenue Bond Redemption Fund	1,560,746	3,057	6,052	0	-100.0%
Parks Capital Improvement Project Fund	25,516,897	43,149,592	46,862,858	41,383,236	-11.7%
Parks Endowment Fund	182,947	183,239	183,095	182,098	-0.5%
Portland International Raceway Fund	2,369,294	2,374,411	2,465,494	2,086,001	-15.4%
Portland Parks Memorial Fund	3,164,403	3,978,415	5,836,542	5,829,486	-0.1%
Spectator Facilities Operating Fund	28,175,232	17,796,092	14,342,142	14,886,718	3.8%
Environmental Remediation Fund	8,614,311	8,424,151	7,092,823	6,519,000	-8.1%
Hydroelectric Power Bond Redemption Fund	7,166,712	7,188,059	7,271,152	7,138,779	-1.8%
Hydroelectric Power Operating Fund	1,305,404	1,422,813	1,531,560	1,469,728	-4.0%
Hydroelectric Power Renewal and Replace	9,794,221	10,104,944	10,227,130	10,609,680	3.7%
Sewer System Construction Fund	111,684,745	95,692,159	234,950,000	249,800,000	6.3%
Sewer System Debt Redemption Fund	179,217,168	179,216,604	204,890,000	224,188,650	9.4%
Sewer System Operating Fund	420,536,991	421,425,199	481,472,409	495,482,622	2.9%
Sewer System Rate Stabilization Fund	30,881,845	12,414,460	6,015,000	30,050,000	399.6%
Solid Waste Management Fund	8,015,671	7,786,296	7,011,217	7,432,045	6.0%
Water Bond Sinking Fund	47,542,047	181,852,259	77,280,908	90,840,900	17.5%
Water Construction Fund	101,361,407	276,393,307	190,743,298	196,211,938	2.9%
Water Fund	269,452,057	341,250,460	353,337,907	313,249,243	-11.3%
42nd Avenue NPI Debt Service Fund	0	0	65,731	64,550	-1.8%
82nd Ave/Division NPI Debt Service Fund	0	0	66,418	25,866	-61.1%
Airport Way Debt Service Fund	7,065,050	7,070,645	7,142,872	7,071,651	-1.0%
Arts Education & Access Fund	0	7,820,909	20,121,953	17,960,000	-10.7%
Assessment Collection Fund	81,633	80,755	80,081	79,133	-1.2%
Bancroft Bond Fund	22,201,585	22,829,163	22,168,276	22,163,122	0.0%
Community Solar Fund	0	0	50,000	25,000	-50.0%
Central Eastside Industrial District Debt Func	7,878,291	8,003,713	8,370,167	9,100,962	8.7%
Convention & Tourism Fund	3,782,747	7,354,708	9,630,500	11,279,404	17.1%
Convention Center Area Debt Service Fund	76,412,211	12,516,188	12,717,767	13,443,159	5.7%



**CITY OF PORTLAND**

**FINANCIAL SUMMARY**

**SUMMARY OF BUDGET -BY FUND - Continued:**

	2011-12 Actual	2012-13 Actual	2013-14 Budget	2014-15 Budget	Budget % Change
Cully Blvd. NPI Debt Service Fund	0	0	65,722	82,137	100.0%
Development Services Fund	40,092,460	54,567,473	52,072,553	66,958,674	28.6%
Division-Midway NPI Debt Service Fund	0	0	70,015	49,616	-29.1%
Education District URA Debt Service Fund	0	0	1,265,191	1,284,691	1.5%
Gateway URA Debt Redemption Fund	3,473,819	4,033,259	4,148,791	4,323,224	4.2%
HOME Grant Fund	3,945,764	5,166,828	8,608,600	6,664,618	-22.6%
Headwaters Apartment Complex Fund	1,556,001	1,551,527	876,617	880,861	0.5%
Community Development Block Grant Fund	9,336,789	14,012,077	24,029,506	23,600,941	-1.8%
Housing Investment Fund	5,882,350	4,492,756	1,993,920	2,639,068	32.4%
Interstate Corridor Debt Service Fund	66,623,177	24,351,695	23,691,723	26,114,070	10.2%
Lents Town Center URA Debt Redemption F	13,874,586	13,570,703	14,099,250	14,970,637	6.2%
Local Improvement District Fund	16,289,117	6,637,902	29,740,109	9,143,217	-69.3%
Mt. Hood Cable Regulatory Commission Fun	12,441,770	14,576,301	0	0	
North Macadam URA Debt Redemption Func	16,687,010	16,603,609	16,943,639	16,884,771	-0.3%
Parkrose NPI Debt Service Fund	0	0	61,568	26,792	-56.5%
Property Management License Fund	4,804,487	5,064,697	5,118,885	5,279,289	3.1%
River District URA Debt Redemption Fund	39,724,521	119,294,875	38,360,644	34,416,143	-10.3%
Rosewood NPI Debt Service Fund	0	0	67,515	56,899	-15.7%
South Park Blocks Redemption Fund	15,776,601	15,709,505	15,934,126	15,929,232	0.0%
Tax Increment Financing Reimbursement Fu	51,598,145	34,670,564	44,280,945	54,430,078	22.9%
Waterfront Renewal Bond Sinking Fund	50,493,194	16,919,370	16,757,151	17,083,048	1.9%
Willamette Industrial URA Debt Service Func	964,909	788,897	791,691	269,868	-65.9%
Gas Tax Bond Redemption Fund	2,745,911	4,495,091	2,824,145	4,165,866	47.5%
Parking Facilities Fund	21,242,316	18,917,433	21,123,954	18,802,390	-11.0%
Private for Hire Trans. Safety Fund	222,104	302,081	0	0	
Transportation Operating Fund	176,097,927	237,211,506	208,970,166	266,671,387	27.6%
Transportation Reserve Fund	2,513,954	2,517,935	3,012,787	4,237,935	40.7%
City Fleet Operating Fund	46,387,351	48,147,733	49,637,756	49,173,811	-0.9%
Facilities Services Operating Fund	86,516,545	70,871,687	52,566,427	69,218,626	31.7%
Governmental Bond Redemption Fund	1,302,956	1,464,852	1,435,044	1,436,494	0.1%
Health Insurance Operating Fund	66,163,106	66,409,291	70,319,492	69,580,420	-1.1%
Insurance & Claims Operating Fund	35,567,322	35,998,979	37,717,536	32,995,899	-12.5%
Pension Debt Redemption Fund	4,531,886	4,943,134	5,003,666	5,254,592	5.0%
Print Distribution Services Operating Fund	8,280,551	6,888,708	7,413,153	6,987,867	-5.7%
Special Finance & Resource Fund	134,303,855	73,506,097	74,157,490	65,308,775	-11.9%
Special Projects Debt Service Fund	84,722,568	6,234,656	6,477,336	6,679,032	3.1%
Technology Services Fund	93,250,137	80,147,400	75,032,783	62,056,800	-17.3%
Workers' Compensation Self Insurance Ope	22,677,737	21,760,571	20,145,944	19,864,400	-1.4%
Enterprise Business Solutions Services Fur	16,865,899	16,657,686	14,907,893	14,478,771	-2.9%

<b>GRAND TOTAL ALL FUNDS</b>	<b>3,454,875,376</b>	<b>3,591,775,249</b>	<b>3,617,362,198</b>	<b>3,635,925,673</b>	<b>0.5%</b>
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**BALANCE SHEET - As of June 30**

**Assets:**

Cash & Investments	583,074,989	755,966,902
Receivables	298,374,946	319,584,043
Inventory	10,150,845	10,482,524
Fixed Assets	6,213,710,429	6,311,887,207
Other	164,615,167	156,130,548

<b>TOTAL ASSETS</b>	<b>7,269,926,376</b>	<b>7,554,051,224</b>
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**Liabilities and Equity:**

Liabilities	4,838,901,461	5,200,155,511
Equity	2,431,024,915	2,353,895,713

<b>TOTAL LIABILITIES AND EQUITY</b>	<b>7,269,926,376</b>	<b>7,554,051,224</b>
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