

## MT TABOR Disinfect LUR 14-218448 HAREN

- 5-28-15  
MARK Bartlett
- (1) Emails To Jean Hester 3-5-15 11:13:52  
(2) From H. Adams JAN 13-15 19:41:41  
(3) To H. Adams 1-13-15 8:27:08  
(4) To R Skarstad 10:33:02 4-13-15  
(6-78) To M. Bartlett 4-6-15 19:45:18  
(9) From J. Granda 1-28-15 16:09:26  
(10-11) To Y. Poelwijk 4-17-15 9:26:32  
(12-18) To N. Sollinger 4-21-15 14:33:21  
(19-20) To Amanda, Nick... 2-15-14 10:37:09  
(21-22) To Tim Askin 2-18-14 5:43:33  
(23-27) To Amanda 3-21-14 2:45pm  
(28-29) To Shaela Frugoli 5-3-2014 9:28:41  
30-31 From: H. Adams 10-18-14 1:08:55  
32-33 To S. Schmatanski 10-28-14 15:28:23  
\* 34-35 From T. Hall 10-31-14 19:10:41  
36-37 To Hillary Adam 11-19-14 10:26:45  
38-39 From Singh To Amanda 2-9-14 11:24 @941  
40 From Y. Poelwijk 4-17-15 17:18:34  
41-46 From C. Poole to Mark & Robin Skarstad 3-18-15 20:44  
47-49 From Mark to Steph 26 Feb-15 11:45:40  
Title 33780.060 Intake Requirements for type 3 (not met)

## MAPS

- (1) 3-B-6 3-24-59 from County property control  
(2) Map of PWB Parcels 594 595 590, 597, 598, 592, 591, 619, 209  
(3) Map 1 MT TABOR Park Res 5, 6, 7 pipe plan  
(4) Section 5 T 1 S R 2 E with County map 1 S 2 E S  
(5) EPA Bull Run Summary 1 page LTR COSTS

conditional use clarifications

**Subject:** conditional use clarifications  
**From:** Mark Bartlett <bartlett.m@comcast.net>  
**Date:** Thu, 05 Mar 2015 11:13:52 -0800  
**To:** "Hester, Jean" <Jean.Hester@portlandoregon.gov>, "Gisler, Julia" <Julia.Gisler@portlandoregon.gov>, "Stein, Deborah" <Deborah.Stein@portlandoregon.gov>, Mark Bartlett <bartlett.m@comcast.net>

Hi Jean,  
Deb referred me to Julia and she back to you.

I talked with you briefly but am not yet clear on that trigger or action that is required to consider a property that is nonconforming and predates the zoning code from grandfathered nonconforming to automatic conditional use. ... and therefore subject to the loss of conditional use provisions of the code.

I used the maintenance yard and park at Mt Tabor since I have an interest and have studied that property.

There are 51 individual parcels that make up the park. I know now from those maintenance yard conversations with Kathleen Stokes and staff, that because they are separate parcels that impacts how the code is applied, and what restrictions would be applied such as expansion and setbacks and building within the existing footprint....

It appears there are two separate uses in the park, that of the PPR park use and PWB utility use, both in the OS zone.

Are these both considered having a conditional use status and a different one since they predate 1950 and code in this location? or would they be simply recognized as a grandfathered nonconforming use?

Or would they come to be recognized differently and separately since maintenance is nonconforming and utility is allowed in OS?  
Of course no one knew or anticipated this predating 1950.

I'm wondering at what point they become subject to the code and if any specific action must be taken to have that conditional use applied or granted or determined thereby subjecting the parcels to the code.

Further PWB has 51 acres surrounding the reservoirs on approximately 16 separate parcels. If granted or if it has a current conditional use status just when did that trigger occur so that the code would apply for say loss of conditional use provisions and the limitations of expansion, setback, etc... as we informed by staff when discussing the maintenance yard?

I hope I'm being clear on my questions and you can provide simple responses.  
Thank you for your time,  
Mark Bartlett

FW: Regarding LU 13-236792 and LU 13-240530 EN - Mount Tabor...

**Subject:** FW: Regarding LU 13-236792 and LU 13-240530 EN - Mount Tabor Reservoirs  
**From:** "Adam, Hillary" <Hillary.Adam@portlandoregon.gov>  
**Date:** Tue, 13 Jan 2015 19:41:41 +0000  
**To:** Mark Bartlett <bartlett.m@comcast.net>

Mark,

This is the email exhibited as A-6, which you are referencing.

Hillary Adam  
 Bureau of Development Services  
 p: 503.823.3581

**From:** Carter, Tom  
**Sent:** Thursday, November 20, 2014 1:50 PM  
**To:** Adam, Hillary; Castleberry, Stacey  
**Subject:** Regarding LU 13-236792 and LU 13-240530 EN - Mount Tabor Reservoirs

Dear Hillary and Stacey:

Citizens have inquired about the ownership of the affected land. All the land affected by the proposal is owned by the City of Portland. All City land is held in the name of the City of Portland, a municipal corporation. The City Council assigns management responsibility of City land to various bureaus. On Mount Tabor, the Council has assigned some of the land to Water and some to Parks, most recently in Ordinance 182457 (Dec. 24, 2008).

The applicant in this matter is the City of Portland. The Portland Water Bureau is authorized to make land use applications on behalf of the City for Water Bureau projects. For this project, since it also affects City property managed by the Parks Bureau, the Water Bureau has cooperated with that Bureau in formulating and publishing its application. In addition, the Water Bureau will seek a Non-Parks Use Permit from the Parks Bureau for the work that will be done on the portion of the property that is assigned to Portland Parks & Recreation.

During the past six months PWB has worked closely with PP&R, both during outreach to the community and in developing plans in response to community requests. In particular, we have consulted closely with PP&R in finding suitable trees and other vegetation and appropriate planting locations for the park.

We have asked PP&R staff to provide a letter affirming that we are coordinating with them and will be applying for a Non-Parks Use Permit as described above.

Sincerely,

Tom Carter  
 Senior City Planner  
 Portland Water Bureau  
 1120 SW 5th Avenue, Room 600  
 Portland, OR 97204  
 (503) 823-7463  
[tom.carter@portlandoregon.gov](mailto:tom.carter@portlandoregon.gov)

"From forest to faucet"  
 Please consider the environment before printing this email

**Subject:** title issues for the Mt Tabor Park LUR

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Tue, 13 Jan 2015 08:27:08 -0800

**To:** "Adam, Hillary" <Hillary.Adam@portlandoregon.gov>, "Hopkins, Melissa"

<Melissa.Hopkins@portlandoregon.gov>, "Carter, Tom" <Tom.Carter@portlandoregon.gov>, Stephanie

Stewart and Mike St Clair <stewartstclair@gmail.com>, Mark Bartlett <bartlett.m@comcast.net>,

Amy.Bacher@portlandoregon.gov, "Ashenfelter, Paige (BDS)"

<Paige.Ashenfelter@portlandoregon.gov>, Eileen Brady <eileen@journey21.com>

Hillary,

I saw yesterday in the latest staff report, that Tom had forwarded an e mail in late November which I could not access regarding the City position on creating an easement and the issues around title.

Even if there are no legitimate legal issues of ownership, this does not address my concerns about any use restriction that a donor may have put on the parcels in 1894-1911. That can only be resolved by title searches to confirm, which have not been completed that I know of.

Theresa states that the WB does not know of any.... but how would they unless the research is done.

I'd like to review that e mail and since it was an e mail, could you forward that to me please?

Should I have to make a public records request for this e mail, I will do so or come down to see that, but it is an e mail so I should think that would be required.

I would then like to provide my comments on that to the HLC and for the record since I was unable to gain access before yesterdays hearing.

At yesterdays hearing, I did request that the record be held open for further comments on documents that were new and findings that had not yet been completed so the public could respond to the HLC.

We await our use finding but are subject to the BDS staff scheduling. Of course that will then go to Council for a vote, so it may take some time, especially if BDS cannot schedule us for the EA and DAR appointments to enable us to have our questions addressed.

Thank you,  
Mark Bartlett

**Subject:** RE: BDS PUBLIC RECORDS REQUEST

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Mon, 13 Apr 2015 10:33:02 -0700

**To:** SKARSTAD Robin <robin.skarstad@mcda.us>, Mark Bartlett <bartlett.m@comcast.net>

Hi Robin,

I appreciate you taking your time to review this and call on my behalf. Land use can be very complicated, but in this case it is simply politically driven.

FYI my letter below to provide some understanding of what I'm requesting and why. I sent this to the Commissioners, directors, and staff at BDS etc... last week, but supplied all of the information at an earlier time but to no avail.

They know there are ORS violations that makes it purely a political decision rather than a legally defensible one.

Here is my e mail to:

The Commissioner directors, staff, and auditor...

The April 2015 auditor's report on surplus property demonstrates what can and will result from bureaus not properly reporting as required in FIN 6.11-12. In my view they don't because they find it useful to claim ignorance. I believe bureaus know just what they own.

That reporting may change at some point, but for now it may not help us with this current Mt Tabor park issue.

Since you are familiar with the park parcel issue dating from early 2000s which we discussed at length in 2007-8 during the City sponsored mediation over the attempted sale of the maintenance yard, I thought I would provide you additional information to show how the current applications are violating both City code and ORS statutes.

Of course the applicant, PWB knows this since they supplied citizens most of the information regarding the park and ownership in 2006-7-8 and their errors we pointed out during the public comment period.

They have provided BDS with erroneous information on this application. They have misrepresented to BDS, Landmarks (HLC), and the public both in the application and when questioned about the facts critical to the application process. BDS was subsequently provided with correct information from citizens, yet approved the application as complete and compliant, in spite of the known violations.

For the third time in 12 years, Mt Tabor park is good example of why bureaus must itemize their real property holding down to the parcel.

The City cannot commingle lots for the purpose of a land use application.

There are two distinct ownerships and classes of title in the park; revenue (PWB) and non revenue (PPR). City attorney opinions listed in that Dan Coombs memo of 2002 confirm this, and are known to BDS and PWB staff as well as PPR. PPR even wrote that Sept 2008 memo (attached) during the mediation, on this subject of understanding those distinct ownerships in the park.

There are two distinct uses, again that of park and utility. The utility use is restricted to those 16 individual parcels making up the 51 acres of PWB owned property. PPR / City ownership makes up the balance. In the OS zone utility can expand but,... any expansion of that utility use onto park property should trigger a new conditional use review. BDS refused to consider this relying on the assessor map as correct.

OWNERSHIP in the park

I have a 1902 map from which one can easily correlate the park donors and lots to the parcels from the 1959 map which PPR and WPB and Council acknowledged. Those lots in question where PWB proposes to work on park land are: ( parcel numbers 598, 600, 601,

605, 609, 610, 616, and 620) .

Here are the Ordinances for acquisitions in the park. Note they say park purposes and not water.

Council Ordinance - 19272 - An ordinance authorizing the purchase of property for Park purposes on Mount Tabor

<http://efiles.portlandoregon.gov/record/94252>

Council Ordinance - 19446 - An ordinance authorizing the purchase of property for Park purposes on Mount Tabor.

<http://efiles.portlandoregon.gov/record/67141>

Council Ordinance - 19528 - An ordinance authorizing the purchase of property for park purposes on Mount Tabor.

<http://efiles.portlandoregon.gov/record/67086>

Council Ordinance - 19972 - An ordinance authorizing the Mayor and Auditor to purchase lot 11, Mount Tabor Park, for park purposes, at a price exceeding the amount heretofore authorized under the provisions of Ordinance No. 19272

<http://efiles.portlandoregon.gov/record/94605>

Council Ordinance - 20637

<http://efiles.portlandoregon.gov/record/99568>

BDS and PWB / City are violating ORS statutes:

ORS 92.017, which currently provides:

"A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law."

As you know, the tax assessor consolidated these in the mid 90s for his purposes but it does not make the lot lines go away; therefore BDS must consider those individual lots in the application and when applying the code. They did not because the outcome they wanted was politically driven. This causes citizens to question all of their actions and decisions given they are tasked with providing quasi judicial decisions on land use matters. Their credibility is at stake.

The City and BDS are prevented from doing as it represents it has by accepting the application with one legal lot, so one use, since it must go through an accepted process to consolidate lots prior to the application date, which it is prevented from doing by the two ownerships.

Approving this application violated City and title 33 rules:

City of Portland lot consolidation standards 2013 title 33.675.300

LOT CONSOLIDATIONS

33.675.010 Purpose

This chapter states the procedures and regulations for removing lot lines within a site to create one lot. The regulations ensure that lot consolidation does not circumvent other requirements of this Title, and that lots and sites continue to meet conditions of land use approvals. The lot consolidation process described in this chapter is different from (and does not replace) the process used by the county to consolidate lots under one tax account. A tax consolidation does not affect the underlying platted lots. A lot consolidation results in a new plat for the consolidation site.

33.675.050 When These Regulations Apply

A lot consolidation may be used to remove lot lines within a site. The applicant may also choose to remove such lot lines through a land division. A lot consolidation may be required by other provisions of this Title.

ORS 271 and 368.326 to 368.366 establish vacation procedures by which a county governing body may vacate a subdivision, part of a subdivision, a public road, a trail, a public easement, public square or any other public property or public interest in property under the jurisdiction of the county governing body.

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**Subject:** Re: Mt Tabor / BDS

**From:** "Kate & Chris" <samsa@pacifier.com>

**Date:** Mon, 6 Apr 2015 19:45:18 -0700

**To:** "Mark Bartlett" <bartlett.m@comcast.net>

I'll add this to the appellate brief I'm filing.

Did you copy this to the auditor?

K

-----Original Message----- From: Mark Bartlett Sent: Monday, April 06, 2015 5:04 PM To: Kate & Chris Subject: Mt Tabor / BDS  
sent this letter to BDS today copied Amanda and Paul Scarlet the director.

Also the auditor who just wrote an audit of bureaus dealing with property. I'd earlier given her much info and told her they did not properly inventory and report intentionally so they had more latitude to do as they wish.

Jason was assigned the LUR for the new use determination in Jan.  
Mark

Jason,  
Please find the following information to consider when constructing the use determination. I've given much of this to Hillary for the pending disconnect LUR but she apparently did not consider that consolidating lots for any LUR was a violation of ORS statutes and Title 33.

The City cannot commingle lots for the purpose of a land use application. These are two distinct ownerships and classes of title; revenue and non revenue. I tried to make this point numerous times to various BDS staff without acknowledgment or consideration if one reads the staff report.

City attorney opinions confirm this, and these opinions known by BDS and PWB staff. In fact nearly all of our information came from PWB. These opinions are listed in that 2002 memorandum from Dan Coombs I provided in section 6 on page 3. I did send you a scanned copy in February. .

ORS 92.017, which currently provides:

"A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law."

The City is prevented from doing as is represented by the applicant and approved by BDS, using the zoning map with one legal lot, since it must go through an accepted process to consolidate lots prior to the application date, which it is prevented from doing by the two distinct classes of ownership.

Vacations are described under ORS 271. and ORS 368.326 to 368.366 and

City of Portland lot consolidation standards 2013 title 33.675.300 LOT  
CONSOLIDATIONS

33.675.010 Purpose

This chapter states the procedures and regulations for removing lot lines within a site to create one lot. The regulations ensure that lot consolidation does not circumvent other requirements of this Title, and that lots and sites continue to meet conditions of land use/approvals. The lot consolidation process described in

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county to consolidate lots under one tax account. A tax consolidation does not affect the underlying platted lots. A lot consolidation results in a new plat for the consolidation site.

### 33.675.050 When These Regulations Apply

A lot consolidation may be used to remove lot lines within a site. The applicant may also choose to remove such lot lines through a land division. A lot consolidation may be required by other provisions of this Title.

ORS 205.130(1) (1981) (providing that county clerk shall have custody of and safely keep and preserve "all maps, plats, contracts and powers of attorney affecting the title to real property");

ORS 209.070(2) (1981) providing that county surveyor shall "[n]umber progressively all surveys received and state by whom and for whom made".

In order for any recording of partitions or consolidations, the surveyor must record his work within 60 days with the County.

I've went to and asked the County who could not provide or confirm that there was a record of any approved action taken that would allow 51 legal parcels to become 2, and therefore used for this land use application.

### Non conforming uses

There are two distinct uses, again that of park and utility. The utility use is restricted to those 16 individual parcels making up the 51 acres of PWB owned property. Any expansion of that utility use onto park property should trigger a new conditional use review.

Those lots in question where expansion would occur, that are not owned by PWB are lots (598, 600, 601, 605, 609, 610, 616, and 620)

AS you know: ORS 215.428 (3) approval or denial of application shall be based on the standards or criteria that were applicable at the time the application was first submitted.

As for the deeds, I supplied that information to all parties copied here more than one time and to you and Hillary in written form. Below are the ordinances with date and deed information for the original purchase for the purpose of a park.

Council Ordinance - 19272 - An ordinance authorizing the purchase of property for Park purposes on Mount Tabor

<http://efiles.portlandoregon.gov/record/94252>

Council Ordinance - 19446 - An ordinance authorizing the purchase of property for Park purposes on Mount Tabor.

<http://efiles.portlandoregon.gov/record/67141>

Council Ordinance - 19528 - An ordinance authorizing the purchase of property for park purposes on Mount Tabor.

<http://efiles.portlandoregon.gov/record/67086>

There are more but these are the relevant ones.

I hope this helps clarify the title and ownership questions in the park.

As you know I / we were denied the EA and DAR meetings we were entitled to with our payment of \$850 made on Jan 7. My numerous attempts to schedule by phone, e mail, and in person were denied. I was also told by BDS staff that the City



attorney instructed them not to talk to us about Mt Tabor park and the land use issues. So much for transparency and equal treatment.

It seems that we are being singled out for exclusion without precedent in this matter. I understand the request for a fee waiver was granted on February 11, but we still do not have the funds. Reimbursement in no way should have precluded us the right to those meetings that I was told when I paid we would get once the file was assigned. Now the decision has been handed down, those meetings would not serve their intended purpose.

BDS is also obstructing my current document request made February 5th.

I hope this clarifies for the auditor the type of problems that arise with bureaus that do not properly report as required in FIN 6.11 and 6.12, their assets including real property with title and legal parcels itemized. It is simply not credible for bureaus to represent they do not know what they own.

Thank you,

Mark Bartlett

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**Subject:** Re: IVR 3563750 use determination for 6325 S E Division

**From:** "Grenda, Jill" <Jill.Grenda@portlandoregon.gov>

**Date:** Wed, 28 Jan 2015 16:09:26 +0000

**To:** Mark Bartlett <bartlett.m@comcast.net>

**CC:** Commissioner Fritz <amanda@portlandoregon.gov>, "Scarlett, Paul"

<Paul.Scarlett@portlandoregon.gov>, Stephanie Stewart and Mike St Clair <stewartstclair@gmail.com>,

"Adam, Hillary" <Hillary.Adam@portlandoregon.gov>, "Ashenfelter, Paige (BDS)"

<Paige.Ashenfelter@portlandoregon.gov>, "Esau, Rebecca" <Rebecca.Esau@portlandoregon.gov>,

"Tallant, Kimberly" <Kimberly.Tallant@portlandoregon.gov>, "Heron, Tim"

<Tim.Heron@portlandoregon.gov>, "Richling, Jason" <Jason.Richling@portlandoregon.gov>, "Rees,

Linly" <Linly.Rees@portlandoregon.gov>, "Beaumont, Kathryn"

<Kathryn.Beaumont@portlandoregon.gov>

Hi Mark;

BDS currently processes, "use determinations," as a form of Tier 3 Zoning Confirmation letters. The fee pays for site-specific research and complex analysis of the Code regulations. We process a number of different types of things through the Tier 3 letters, including documentations of nonconforming situations, use determinations, and lists of questions that applicants submit. Your request is a combination of the latter two.

I enlisted the assistance of the other BDS LUS Supervisors and the division manager when your request came in and you had described wanting a meeting or hearing. We concluded that it may be that former versions of the Zoning Code had a more formalized, "use determination," process. But today's regulations don't describe a use determination that can be processed through a land use review.

That said, I believe that the State of Oregon Land Use Board of Appeal (LUBA) would consider a tier 3 Zoning Confirmation action a limited land use decision, since it represents the City applying our Zoning regulations and giving advice on the use of property. If your intent is to dispute the City's determination of use through a LUBA appeal, your current process likely can serve that purpose.

So the tech in the permit center correctly took in your application as we currently understand the process for a use determination. I'm sorry if your expectation was for a different process, but neither she nor I had any idea that a previous different process had existed.

If you do not wish us to continue with the current application, I am happy to provide a full refund on it. Please let me know how you would like to proceed.

Thanks, and sorry for the confusion.

Jill

Jill Grenda, Supervising Planner

BDS LUS Division

(503) 823-3580

[Jill.grenda@portlandoregon.gov](mailto:Jill.grenda@portlandoregon.gov)

On Jan 28, 2015, at 7:52 AM, Mark Bartlett <bartlett.m@comcast.net> wrote:

Jill,

I wanted some clarification on your phone message of Monday.

Stephanie and MTNA did not get the benefit of hearing that since it went to my residence. Could you respond to each question please.

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**Subject:** Re: missing files at archives

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Fri, 17 Apr 2015 09:26:32 -0700

**To:** "Poelwijk, Yvonne" <Yvonne.Poelwijk@portlandoregon.gov>, brian.k.johnson@portlandoregon.gov, Mark Bartlett <bartlett.m@comcast.net>

Hi,

I am trying to view these files and Brian could not find them. So as I mentioned below, we were wondered where they were and if the numbers had changed so they could be located and viewed at archives.

Thank you,

Mark

Poelwijk, Yvonne wrote:

Mr. Bartlett - please give me a call at 503-823-7814 and let me know how I can be of assistance. Thank you.

Yvonne L Poelwijk

BDS, Records Management

(503) 823-7814

Office Hours: Mon - Fri, 7:30 AM - 4:00 PM

[Yvonne.Poelwijk@portlandoregon.gov](mailto:Yvonne.Poelwijk@portlandoregon.gov)

Hi Colleen,

I went to archive this morning to look at those files I requested in my Feb 5th request.

Brian could not find them listed in his inventory.

Have they changed numbers or in some way are they identified differently?

These are all listed in the current LUR for Mt Tabor, but I was told they were no in the physical files just referenced.

LU 13=236792 HR

EA 14-118276

IQ 03-153994

PR 03- 186237 ZC

I'd like to review them and if they are available with a link since they are used in a current LUR, can you please have them sent to me. Those others I will view at archives.

Thank you,

Mark Bartlett

Yvonne L Poelwijk

BDS, Records Management

(503) 823-7814

Office Hours: Mon - Fri, 7:30 AM - 4:00 PM

[Yvonne.Poelwijk@portlandoregon.gov](mailto:Yvonne.Poelwijk@portlandoregon.gov)

**Subject:** BDS accepts errors and subverts effort to correct them for both Washington Park and Mt Tabor LURs

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Tue, 21 Apr 2015 14:33:51 -0700

**To:** "Sollinger, Margie" <Margie.Sollinger@portlandoregon.gov>, "Hull Caballero, Mary" <Mary.HullCaballero@portlandoregon.gov>, fred.miller@portlandoregon.gov, Mark Bartlett <bartlett.m@comcast.net>

2-21-15

Margie,

Here is a summary of our many efforts to correct the record during these applications that clearly are politically driven and moving toward a predetermined outcome.

I hope between you and the auditor and OMF, these problems can be addressed and correct before any decision based on faulty information becomes binding. There was recently (November 2012) a case before the court of appeals that is very similar when considering what PWB is trying to do. I cite some of those given in evidence in that case as they apply to these as both LUR have their problems. see Weyerhauser versus Polk County LUBA 3932011  
<http://www.publications.ojd.state.or.us/docs/A148925.pdf>

You might consider presenting this tomorrow when speaking to Council to provide an example of just how bureaus refuse to offer genuine public participation when there is an goal or outcome desired.

Dan, Nick, and Amanda will be quite familiar with these details since this has been ongoing since 2002, and each has sat as commissioner over parks and or water. I have handed to them or staff, or sent by e mail these concerns and documents to substantiate them, and more times than once, many of the docs and maps citing the problems.

Thank you,  
Mark Bartlett

Summary

In January of 2014, PWB made an application for a type 2 land use review (LUR) to disconnect the reservoirs in Mt Tabor Park.

In that application, they proposed that they alone owned the park and that the work would cost \$110,000. Citizens immediately wrote to Nick Fish, about the veracity of these representations, countering that not only would the cost of the proposed work exceed the \$407,000 threshold, but that PWB did not own all of the park.

Nick withdrew the application understanding it was doomed to fail a legal challenge. Months later it was refiled as the more appropriate type 3 LUR. In this new application PWB changed their cost for the very same work to approximately \$5 million and admitted that they did not own the entire park. That representation was changed to the "City" owned the park.

#### PARK OWNERSHIP

PWB owns 16 parcels surrounding the reservoirs totaling 51 acres. PPR owns the balance of 145 acres in Mt Tabor Park. See ordinances for acquisition at the end.

In 2006 PPR director Santer admitted PPR "misstatements" about their attempted sale of the maintenance yard and entered into a City sponsored mediation for which they gave \$500,000 to use for citizens to update the master plan and create a redevelopment plan for that 8.25 acres at the yard.

City cannot commingle real property assets

During this period, much was made of the distinct classes of ownership in the park; that of a revenue bureau PWB and non revenue bureau, PPR. Citing a memorandum from 2002 in which PWB staff researched the deeds and titles to the 51 parcels in the park. It was made clear that the two bureaus cannot commingle assets. This was supported further by City attorney opinions. Both PWB and PPR acknowledged the legal 1959 parcel map showing the 51 individual parcels, City bureaus issued a memorandum outlining this issue in Sept 2008. see memo from Eileen Argentina regarding tax maps and legal parcel maps in the park.

In this new type 3 application, PWB represented that the City owned the park as a homogeneous single consolidated parcel. Using that assessors tax map, PWB represented and BDS accepted this tax map, in spite of clearly knowing that it was not a legal map for application purposes, and commingling assets to create a consolidated parcel was not allowed

Many pointed out these critical errors to BDS who then ignored citizens in order to move forward this politically driven outcome for this LUR. There is no avenue for citizens to challenge information provided to them in an application.

Portland code is also clear that parcel consolidation requires an legal act, and consolidation cannot be done for land use purposes such as what the PWB proposed. If a consolidation was completed there would be a new plat map. Why was this not used?

#### LOT CONSOLIDATIONS 33.675.010 Purpose

This chapter states the procedures and regulations for removing lot lines within a site to create one lot.

The regulations ensure that lot consolidation does not circumvent other requirements of this Title, and that lots and sites continue to meet conditions of land use approvals.

The lot consolidation process described in this chapter is different from (and does not replace) the process used by the county to consolidate lots under one tax account.

A tax consolidation does not affect the underlying platted lots. A lot consolidation results in a new plat for the consolidation site.

#### 33.675.050 When These Regulations Apply

A lot consolidation may be used to remove lot lines within a site. The applicant may also choose to remove such lot lines through a land division. A lot consolidation may be required by other provisions of this Title.

Record of any consolidated map

ORS 92.017 When lawfully created lot or parcel remains discrete lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. [1985 c.717 §3; 1993 c.702 §2]

ORS 205.130(1) (1981) (providing that county clerk shall have custody of and safely keep and preserve "all maps, plats, contracts and powers of attorney affecting the title to real property");

ORS 209.070(2) (1981) (providing that county surveyor shall "[n]umber progressively all surveys received and state by whom and for whom made.

This says that in order for the lots to be legally consolidated, which the City is not legally allowed to, there would necessarily be a numbered, dated, recorded record of this act with a new plat map at the County. When asked, the County could not provide one. If one existed, it would have been used as the map of record in that application so this obstacle would be resolved. This applies to both Mt Tabor and Washington Park.

Again BDS and City Hall / staff know this but the rules here are not important when this LUR moves forward in its blatant attempt to circumvent title 33 rules, violate ORS statutes, and misrepresent the facts on the application in order to arrive at the predetermined outcome desired by Council and the PWB.

USES in the park

The entire park is zoned Open Space (OS). There are two distinct uses as well as classes of ownership in the park, that of park on the 145 acres owned by PPR and as a utility on the remaining 51 acres owned by PWB.

This subject was widely researched and discussed during the 2002-3 period when PWB wanted to demolish the reservoirs, and again during the 2006-7-8 mediated group research. The outcome was based on deed research / ownership by dissimilar bureaus, and City attorney opinions cited in Dan Coombs memorandum of 2002. Dan was a PWB employee and surveyor doing the deed research for PWB.

However, in this application PWB proposed to change the use on eight PPR parcels by constructing a 48" water line beyond the boundaries of their parcel ownership. BDS has ignored this change in use as well as that of the reservoirs themselves as they acknowledged, with any trigger for an additional review caused by this proposal. By accepting the faulty representation that there is one consolidated parcel it changed the outcome.

When citizens realized that BDS was going to continue down the politically driven path, a request for a new type 3 use determination at a cost of \$850 was filed on January 7th. BDS was now obligated to provide a written use determination in 4-5 weeks. This would allow the applicant to meet with staff to answer any outstanding questions (EA), and then to meet informally with the Historic Landmarks Commissioners (HLC) to address concerns about the historical aspects of preserving the reservoirs (DAR) and any state and local code issues related to the proposed work. More importantly this would occur before any staff decision or HLC decisions were reached, so citizen input would be consequential.

After numerous attempts to schedule these meeting in person, by phone and e mail, a BDS staff representative told us there would be no meeting with them or HLC. They also told us they were directed by the City attorney not to answer our questions.

As of this date (4-21-15) we still do not have that use determination that was due us two months ago. The reason should be clear. In this case we are being singled out and denied what any other applicant would be entitled to because of the clear problems with the veracity of the information provided by the applicant and allowed by BDS.

Since BDS would not respond to our request to schedule meetings, a public record request was filed to review their internal discussion of the USE question for this application. BDS represented they did not discuss the use in their pre application summary. However two months later we were told that there are more 1300 items resulting from the request, which of course BDS has not yet provided even after they were given 50% of the fee.

The entire basis for their acceptance of this proposed work in the land use decision is in error, something citizens have been testifying to for the entire period of public comment. BDS is governed by the political outcome desired and not the legal one.

Should BDS be stripped of their authority to render quasi judicial land use decision given they cannot be trusted to apply evenly and with integrity, the ORS statutes and title 33 code?

Thank you,  
Mark Bartlett  
503 719 5930

Citations of code, ordinance , etc... to follow1.) improper acceptance of an application for review

1) faulty application accepted by BDS

a) BDS accepts representations of applicant knowing representations provided were in error. BDS deems application complete and compliant with code when they know it is not.

BDS refuses to respond when asked how citizens might challenge what BDS accepts.  
2) park parcels are owned by two dissimilar bureaus that cannot commingle assets including real property

a) see Dan Coombs memo dated 03 October, 2002 to Dennis Kessler providing citations of City Attorney opinions and maps 1959 3-B-6, and 1902. City attorney opinions (81-44, 82-150, 88-125 and a memo from Rogers to mayor Bud Clark dated 3-9-90.

b) see also Charter chapter 11-104 on sinking and water funds referred to in 2002 memo

c) see FIN 6.11 and 6.12 reporting requirements for bureaus inventory of real property assets including deeds of title to the auditor  
<http://www.portlandonline.com/auditor/index.cfm?a=130469&c=34747>

FIN 6.11 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:
  - \* vi. \* Conducting physical inventories of the capital assets.
- 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.

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.



## Physical Inventories of Capital Assets

2. Bureau management shall be responsible for completing annual physical inventories of capital assets. presented to the City Auditor's office for permanent retention.

See Case File EA14-139549 letter to PWB from BDS dated May 8 2014  
A. Key Issues and Requirements 1. Tax lot consolidation required.

3) 1959 parcel map from property control

4) deeds for parcels in the park, some with restrictions on use limiting to park use only

5) Sept 2008 memo from PPR acknowledging the 1959 map and on ownership of parcels

6) Ordinances for acquisition of parcels for park purposes

Council Ordinance - 19272 - An ordinance authorizing the purchase of property for park purposes on Mount Tabor <http://efiles.portlandoregon.gov/record/94252>

Council Ordinance - 19446 - An ordinance authorizing the purchase of property for Park purposes on Mount Tabor. <http://efiles.portlandoregon.gov/record/67141>

Council Ordinance - 19528 - An ordinance authorizing the purchase of property for park purposes on Mount Tabor. <http://efiles.portlandoregon.gov/record/67086>

Council Ordinance - 19972 - An ordinance authorizing the Mayor and Auditor to purchase lot 11, Mount Tabor Park, for park purposes, at a price exceeding the amount heretofore authorized under the provisions of Ordinance No. 19272

<http://efiles.portlandoregon.gov/record/94605>

Council Ordinance - 20637 <http://efiles.portlandoregon.gov/record/99568>

7) City of Portland title 33.675.010 on consolidating lots

The regulations ensure that lot consolidation does not circumvent other requirements of this Title, and that lots and sites continue to meet conditions of land use approvals. The lot consolidation process described in this chapter is different from (and does not replace) the process used by the county to consolidate lots under one tax account. A tax consolidation does not affect the underlying platted lots. A lot consolidation results in a new plat for the consolidation site.

33.675.050 When These Regulations Apply

A lot consolidation may be used to remove lot lines within a site. The applicant may also choose to remove such lot lines through a land division. A lot consolidation may be required by other provisions of this Title.

8) Ownership and consolidation of legal parcels

Case File EA14-139549\* May 8 2014 letter from BDS to PWB A. Key Issues and Requirements

1. Tax lot consolidation required.

BDS is requiring consolidation for the application, however it is not legal to consolidate these parcels owned by two dissimilar bureaus.

ORS 205.130(1) (1981) (providing that county clerk shall have custody of and safely keep and preserve "all maps, plats, contracts and powers of attorney affecting the title to real property");

ORS 209.070(2) (1981) (providing that county surveyor shall "[n]umber progressively all surveys received and state by whom and for whom made.

ORS 92.017 When lawfully created lot or parcel remains discrete lot or parcel\*. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. [1985 c.717 §3; 1993 c.702 §2]

If there was an act to consolidate taken by the City a recorded, dated, numbered plat would be available for any LUR application. PWB providing an assessor tax map, not a legal parcel map. No consolidation took place and no new plat map exists or the applicant would have provided one to BDS as the applicant bears that responsibility.

Consolidation between these two bureaus cannot take place as funds and assets between a revenue and non revenue bureau cannot be commingled.

Both PWB as applicant and BDS knew this was a legal problem yet accepted the faulty information provided on the application as complete and compliant.

#### 9) Denial of legitimate public participation

On January 7th MTNA and Mark Bartlett jointly filed for a type 3 use determination for the property in Mt Tabor park since BDS was moving forward with the application relying on misinformation and incorrect information provided by PWB. BDS promised this new finding doc in 4-5 weeks making it possible for their response to be presented to the decision making body of Historic Landmarks prior to their final hearing decision on any BDS staff report.

BDS subverted this right by refusing to schedule any EA and DAR meetings, nor would they answer any questions as directed by the City attorney. As of April 21, 2015, we still wait for that finding, but now the opportunity to impact any decision by HLC has passed.

The information that would have been provided would necessarily make available pertinent information to citizens for questions and comments on the simultaneous LUR at Washington Park. That opportunity has been intentionally limited by BDS.



**Subject:** LUR 13-236792 and 240530

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Sat, 15 Feb 2014 10:37:09 -0800

**To:** amanda fritz <amanda@portlandoregon.gov>, nick.fish@portlandoregon.gov, paul.scarlett@portlandoregon.gov, Stephanie Stewart and Mike St Clair <stewartstclair@gmail.com>, "Bizeau, Tom" <Tom.Bizeau@portlandoregon.gov>, "Adam, Hillary" <Hillary.Adam@portlandoregon.gov>, Sonia.Schmanski@portlandoregon.gov, Mark Bartlett <bartlett.m@comcast.net>

Amanda and Nick,

I'm forwarding additional evidence that in our view should have caused this application to be deemed not complete, and rejected until that time these outstanding questions can be clarified.

1) I've sent both of you a County map showing the more than 50 parcels all with individual deeds and handed to you the narrative from Dan Combs, a Water Bureau (WB) employee and licensed surveyor who spent time over 20 years while in the employ of the WB researching title to those parcels he anticipated were owned by WB.

I have much more detailed maps from him as well as deed records for many of the parcels in and around those 51 acres outlined on these maps and acknowledged by both WB and PPR.

The 1959 County map from Property Control was recognized by both director Santner and PPR staff as well as WB representatives during our mediated process.

Portland maps is incorrect in stating that WB owns all of the park, which BDS seems to have relied on in reviewing and then accepting the application for review. This is not uncommon as one who deals with real estate regularly. Portland maps is not a reliable source for title information.

On this basis alone the application should be rejected

2) Attached is a list of trees taken from the plan sheets; pages 3-4-5-6-7.

There are 21 significant trees slated for removal, 30 additional trees slated for removal that are between 8-12 caliper inches and more than 60 trees greater than 14 caliper inches listed that will have work done within their drip or root zones. Some of the 48-50" trees.

Some of these are so close to the proposed trench survival is doubtful. They have an asterisk to show which might be jeopardized.

Some of these trees are within the NHR boundary and some in the OSc zone. It seems that WB has severely underestimated the cost of both removal as well as mitigation.

My personal experience was that I had to hand dig around roots using a vac truck to remove spoils so as not to damage any roots within the drip zone. While I was doing so I was to have an private inspector watching, then provide a letter for the City on both the safe excavation and any compaction of fills around them when back filling the excavated trench. None of these were free.

Consider just how many trees are impacted by this work and you only begin to see costs much higher than

provided and accepted by BDS.

This should push the review to type 3 only after the question of tile gets resolved.

3) Excavating the proposed 10 x 10 trench of approximately 500 linear feet will require nearly 600 truck trips if all goes efficiently and there are no complications.

Soils commonly expand by 25-30-35% depending on type so in simple terms, one truck out and in for each 2 linear feet of trench.

This does not consider those required for vaults and other smaller work components such as erosion control and keeping soils off the public streets.

The roads throughout the park are not designed for this loading and heavy truck traffic, so there will be damage to them both in and outside of the historic boundary.

Additional mitigation will be required for work on slopes for both soils excavation and tree work whether removal or excavation. Some slopes are 2:1 and 3:1 so trucks will not be able to receive direct excavated spoils.

Again the WB has provided a severely low costs for the work or none at all.  
This added to item # 2 would certainly push costs beyond type 2 to type 3.

4) Consider the proposed mitigation of plantings to "offset" those caliper inches removed. Certainly these trees taken or damaged by the work will be visible. What is proposed is to plant many 1/2" caliper trees since their survival rates are said to be better. Strangely enough other applicants must by rule plant 2-3" trees.

If you consider that (1000) 1/2" trees might equal one 14" tree in canopy, then you see the visible hole that will last 7-80-90 years and may never be able to replace those.

A cost for actually mitigating this has not been considered by WB or BDS at intake.  
This cost does not even consider that other listed plants and vegetation will be removed or damaged and has a cost to replace.

One additional note is that certain types of trees have different roots systems; some broad and near the surface and some with tap roots.

For example: Firs tend to grow in clusters as they have more shallow root systems and entangle with each other to help support themselves against storms; erosion and wind. You will see evidence of improper tree management in the Van Duzer corridor where they blow down when storm hit because this was not considered when harvesting took place.

This is just one more complication not evident in any way on the plan sheets or as a cost to be considered.

This defect in reviewing the application can be added to those listed above.

Please consider these deficiencies seemingly ignored when BDS accepted the applications for review.

**Subject:** LUR at Mt Tabor,  
**From:** Mark Bartlett <bartlett.m@comcast.net>  
**Date:** Tue, 18 Feb 2014 05:43:33 -0800  
**To:** tim.askin@gmail.com, Christine Yun <cpypdx@gmail.com>, Schwab Mary Ann <e33maschwab@gmail.com>, bob@southeastuplift.org, Mark Bartlett <bartlett.m@comcast.net>

Tim,

The result of our requests for proper notification resulted in two things:

Extension to March 10 and  
 a new listed "owner" since I challenged that they provide clear unambiguous unencumbered title before BDS accepted the app for review just like any of us who work with BDS in our business.

They recognized this issue but are trying to skate around it.

They want avoid having the landmarks involved in the hearing so the push for type 2 and not 3. The work will cost more like \$7 million by their own calculations, and all occurs within the boundaries of the Park.

There are multiple conflicts of interest:

1) The WB stated goal is to demolish these reservoirs. This was put to paper long before LT2 was ever a rationalization as a reason for this work. We have plenty of evidence of this, so the conflict of interest in allowing them to do anything connected, much less run the app process.

2) BDS is accepting whatever WB submits as correct and accurate.  
 Rather than require clear title before accepting as complete, they simply offered preferential treatment and no scrutiny whatever before starting the clock on notice and the 120 days. The app should not have even been accepted for review as they have far to go on title and showing how they will comply with code.

We would challenge nearly every part of that application and ask that a disinterest third party be involved. Including costs, plans, drawn boundaries, title, type of LUR and impacts and mitigation required. Any mention of ORS or OAR yields silence. Again see #1.

3) They will move nearly 130000 cubic yards of soils that require near 1300 truck trips so damages to roads, and any paths used will be above ground and visible. The equipment must be moved on and off as well as road repairs that will require additional road trips.

I've built roads to City standards and these are not constructed to bear that traffic or the loads they will carry. Strangely no costs associated with any of this.

4) I've created a tree list from the plan sheets pages 3-4-5-6-7.

They will remove 21 trees with a caliper of greater than 14" some as large as 48".

They will removed 30 more with calipers of less than 14" and

60 trees will have work done within the drip zones so probable root system damage. Some will not survive this work even if they don't plan to show them as removed. Some of these trees are 48 and 50".

Special excavation precautions and inspections are required, but are not considered in their costs. Again no extra costs associated with root protection or that in back filling around exposed root systems.

5) I've indicated that some (10 +/-) are also in the OSc zone so require special considerations and mitigation, yet virtually no costs are associated with this detail.

6) They propose to mitigate with 65 trees of 1/2 " caliper.

I doubt that those trees would equal one 10-12" tree in canopy, so a very visible hole that will last for 70-80-90 years considering what they acknowledge they will remove (50+) trees and likely will kill a few more..

The list goes on so it is obvious that BDS is not in any way scrutinizing the full measure of the impact and is seemingly working with WB attempting to try to slide this through under a type 2 while ignoring the facts before them.

I do land development as applicant, and have for near 30 years... so have some familiarity with BDS and the LUR process. I've built nearly every sort of improvement so have some familiarity with excavation, and construction.

I lived for near 20 years within 4 blocks of reservoir 6 and was on the MTNA board for some years doing land use. Have a history going back 12 years with this issue.

from Dave Skilton @ BDS.

Mt. Tabor Park and the Mt. Tabor Reservoirs Historic District are listed in the National Register of Historic Places, and pursuant to Oregon Administrative Rule 660-023-200 local governments must therefore treat them exactly the same as if they were locally designated.

Proposed exterior alteration of a historic resource where the work has a value of less than \$407,000 triggers a Type II review; work over \$407,000 triggers a Type III review; and, demolition triggers a Type IV review. The procedures and requirements for the various types of reviews are described in the Zoning Code, in Chapter 33.730 - Quasi-judicial Procedure, see: <http://www.portlandoregon.gov/bps/34565>

The Historic Landmarks Commission acts as the appeal body in Type II cases, the hearing body in Type III cases, and in an advisory capacity to City Council in Type IV cases.

Once a decision has been made by BDS alone, it will be that much harder to unwind. Then we will have to prove what is not in compliance rather than having the WB do it now as they should be doing before any LUR app has been accepted.

Mark

Thank you for your message. Commissioner Fish and I will be working with the Mt Tabor Neighborhood Association to plan the public input opportunities on the Land Use Review application. All information will be posted on the City's web site, likely on the Water Bureau site as well as Commissioner Fish's and mine.

Amanda

Amanda Fritz Commissioner, City of Portland

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>] Sent: Friday, March 21, 2014 2:45 PM  
To: Commissioner Fritz; Howard, Patti; Mark Bartlett  
Subject: meeting questions to Sonia Schamanski on 3-14

Amanda,

I did not copy you on this but understand Sonia has been in touch, so am forwarding my mail to her.

There are questions and requests for both clarification and actions in this mail.

Given the history of Mt Tabor residents interacting with bureaus over this past decade, I think how this is arranged, who creates and what is on the agendas are quite important to a desirable outcome.

There was no meeting of minds on just how to construct and then run any proposed meeting. It was more of an introduction to Sonia, Tom, and a listening meeting.

I know Paul Leistner had some discussions with Tom Carter about just how that might look, but I think the WB was reluctant to allow any interference with their moving forward. I will venture an opinion that a WB led meeting will not be what people are looking for. There has been too much of that in the past with predictably bad results.



My read is that they are going to attempt to by any means, push this forward with the least amount of specific question answering possible. It will be a carefully orchestrated "public" process that won't really answer the critical questions...

MTNA will have to be aggressively proactive and take the lead or suffer whatever they choose to be the format and agenda. The time constraints alone are already daunting.

I think the more specific and demanding the questions pre election, the more they would have to answer in order to look "right", and I don't they will do so without much effort on our part.

I've attached an example of what we might expect from Nick in response to the title issue which I discussed with him numerous times. He of course did not respond with any meaningful answer nor did his staff, but says he did.

AND when I met with him to question the transfer of the Water property for McCalls he again had no answer except that I was wrong and he was right. You know how that turned out, so we must remember that the City Attorney is also working against us in matters of law.

Surprisingly it appears that Amanda has or will come down on Nick's side of this (pro City) in spite of his ethical challenges demonstrated these past few years. ie support your fellow commissioner, so I don't see that there will be much transparency, but I think she will be more careful about the public process than Nick.

That attached e mail was a response to my very detailed questions.

An FYI about Hillsdale Terrace:

City owned 63 subsidized units on a sloped lot worth approx \$3-4 Million. They wanted to redevelop this same property with very expensive and known soils and drainage problems. I said that is not sound economically and go out and buy replacements @ market costs which were quite low then. It would have been cheaper to give the property away and buy replacements than what Nick did.

At the time apartment units to replace those 63 would have cost \$7-8 Million (for 100 units) , so a worst case net cost to the City if it sold and bought existing market replacement units at \$70-80k per door, of \$8 Million net without considerations for taxes or proceeds from any sale.

I offered this as a solution before the City approved spending \$45.5 Million to redevelop that same site with 100 new subsidized units. That is \$450k per door rather than \$70-80k per. Again City speak for patronage.

I asked who got the additional \$35 Million, and how did this benefit the families displaced by the redevelopment.

Mark

**/\*My letter of 3-20 follows\*/**

Hi Sonia and Tom,

I understand from our conversation on Friday, that:

- 1) you are leaning toward refiling both applications as type 3, during the first ten days of April.

You are likely to or intend to waive the 120 day requirement to allow more time for public meetings, gathering comments, and responses to the application before going to Council and the BDS decision.

Will these two applications be on separate tracks both for time lines and decisions?

Or will they follow exactly the same time lines for comments, etc... and eventually come to Council at the same time?

- 2) You will satisfy the clear and unencumbered ownership (title) requirements of a LUR application prior to refiling, for all parcels considered for work. The water bureau has a good deal of the deed documentation as well as detailed maps of the parcels making up the park. The WB gave me some of the information so they will have it in archives.

- 3) You intend to hold at least one public meeting with SEUL (so the SE coalitions) and one additional with or at Mt Tabor NA. You mentioned that both Commissioner would attend.

Please provide any proposed dates with a consideration for when the Easter holiday and spring break are, which will not conflict with the ability of the public to attend meetings/ participate.

I hope that the proposed dates are flexible to enable the best possible public participation. As we explained prior meetings on the subject were held over Easter weekend so many interested people could not attend.

It was not entirely clear just how these meetings and agendas would be constructed and who would moderate them, or where they would be held.

- \* Given the past history of Bureaus coming to MTNA with less than full transparency it would be helpful to have meetings that are not revolving around bureau created and directed agendas, as the public would not consider these what is required to provide the necessary transparency or information. I think we provided a brief history of that for you involving the attempted sale of the maintenance yard in 2006-7, as well as earlier work on these reservoirs.

- 4) You will determine and post the proper contacts with their information on the application for questions related to:

- a) applicant; WB staff contact
- b) BDS staff contacts
- c) PPR staff regarding Park specifics
- d) arborist
- e) historical / environmental preservation concerns contact...

so that the public can get clear understanding of the both application process and to questions regarding the proposals specifically.

You intend to post all of the relevant documents for this application and LUR to

- a) preapp notes and staff questions and comments
- b) any check list requests from bureaus and/or staff to the applicant
- c) the application and narrative in full
- d) the tree preservation plan with the tree maps showing individual trees numerically identified by the tree survey
- e) the preservation plan in coordination with SHPO before any decision by BDS, with adequate time for public questions and a response.
- f) any plans for the long block that deviate from those approved by Council in 2009 when the master plan was revised. As we pointed out PPR is already violating the plans voted on by our MTY group and approved by Council.

Additional questions that require clarification:

- a) please provide the intended time line for completing the LUR once the file has been accepted for review.. including the Landmarks hearing and dates, the BDS decision, the Council hearing with the required deadlines for public comments to be considered enabling any appeal to go before the hearings office, and then to LUBA if Council decision is to be appealed.

Most people are not clear on the mechanics of this process so educating them up front will provide clarity and so less questions for staff.

- b) we asked if public comments could be warehoused with a single party such as the MTNA land use chair for submission in a timely fashion for the application, and then when the item is posted on Council's agendas. You responded that they could and this would be considered to be a proper method of providing public comments during the open comment period.

My additional suggestions , questions, and requests:

- 1) Please send a locate service to paint the existing pipe locations along with the proposed locations so interested citizens can see the visual rather than attempting to interpret from plan sheets.
- 2) Expand on just why in the application was there the detailed differentiation between street and drive on Lincoln.

What section of Title 33 discusses these differences?

How is it that any road within a park could be private and what that legally means?

What documents were used as a source in determining this?

- 3) What reference documents or maps were used to place the boundaries for the Historic District, the zoning maps and overlays, and the property dedications along the public streets like 60th and Lincoln.

ODOT map archives and files are not available in all cases to the public. Please provide copies of those maps for the park and surrounding adjacent areas which are likely on one quarter section map. In particular those dedicated ROWs that are considered in the application for all streets whether deemed public or private.

Could these be posted to the WB site as well?

- 4) RICAP 6 has an item that proposes to accept applications before they are considered complete by BDS, which is a very bad idea (my view) as it then compels others (rather than the applicant) to provide the necessary evidence to BDS that

the applicant is not in compliance with the code or some required documentation while the LUR proceeds toward the 120 decision date. Will this RICAP item in any way have bearing on these applications?

5) You mentioned walking tours? I was unclear on the purpose of this suggestion.  
I recall the Architectural Heritage Center did some walking tours last fall discussing the park and reservoirs.

6) Preservation plan and end game.

How will Portland utilize these assets if they cut the water supply to these reservoirs?

Applications are considered in a vacuum and not as they should be with downstream impacts looked at during that LUR.

My own personal opinion, but this is a regional park and public land. Surely the consequences of this action must be considered before taking them. This is not a street parking or set back, or encroachment issue, but one with real consequences for the future of those assets.

Removing the supply lines to these reservoirs greatly impacts both function and condition as well as limiting their intended purpose as they are integral to the Park plans and master plans accepted by Council in 2000 and 2009.

How does it make economic sense to remove a perfectly functioning system from the larger water system, in order to connect an as yet untested (test so far proved faulty and tanks leak) replacement?

How will this better serve the people and water users if an existing functioning asset in good working condition is abandoned when it was deemed to last another 50+ years??

Why have recent requests for WB budget documents been withheld from the public when we might gain some insight on what the WB intends as related to this application and other projects?

Thank you for your consideration. I look forward to your response.  
Mark Bartlett

**nick fish response0001.pdf**      **Content-Type:** application/pdf  
   **Content-Encoding:** base64

**Subject:** re case file EA 14-118276

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Sat, 03 May 2014 09:28:41 -0700

**To:** Sheila.Frugoli@portlandoregon.gov, "Castleberry, Stacey" <Stacey.Castleberry@portlandoregon.gov>, "Adam, Hillary" <Hillary.Adam@portlandoregon.gov>, Mark Bartlett <bartlett.m@comcast.net>

Hi Sheila,

I was reviewing the pre app hearing notes and had some questions.

Could you respond / make corrections, or send these to whomever would do that please.

I wished the WB had noticed us so a representative citizen could have attended.

Please forward any other checksheet or list responses from the other bureaus.

Thank you,

Mark Bartlett

## **Page 2** of the notes

you note IQ 03-153994 as still in force. Why was this not discussed?

I've asked Doug Hardy to respond to numerous questions regarding this determination which were not directly addressed.

Could you please do so as it regards the definition of the structures which are now part of the water system, and at some point will become something other, such as amenities to the park.

At what point in time does this occur and how that impacts the application?

How this then impacts if at all, the definitions, and the interpretation of code for both zoning and the historic aspects?

What would the new definition of the structures be since they are no longer a part of the water system so classified as utility related?

## **Under Presentation**

I've asked Tom Carter to provide the reference source material, specifically those which show the historic district boundaries.

The Zoning map shown is of a 1 = 500' scale so just where the overlays are is quite uncertain in relationship to the work areas and what work will be in which. Can you provide something more defined and accurate. The WB's first construction sheets were scaled at 1 = 100' and not much better.

Are there more accurate resource maps scaled more precisely that can be used to confirm the boundaries on the construction sheets?

## **Integrity**

The WB has for more than ten years in their master plan, publicly announced designs to demolish these reservoirs... Who will oversee the work to assure the public that there will be some assurance they

### **Historic character**

SHPO has recommended that water be maintained as part of the preservation along with maintaining the structures as a part of the NHR listed Park. What specific plans does the WB have to maintain these assets per any preservation plan under ORS 358.653?

### **LT2**

It appears there is a typo so the meaning is not exactly clear. Could you please make any correction so it becomes clear?

"Since the WB has elected to cover the disconnect the existing open reservoirs..." ??? not sure what this says?

### **Environmental review**

We've asked for alternatives and have yet to see just what was considered.

As for the tree protection plan, it was made clear to us that there are approximately 50 trees which will have work done in their root protection zones. Some as large as 50" diameters. A WB rep responded to questions about this by saying those will be mitigated for meaning they'd try to save them but cannot guarantee it... which was interpreted as don't count on it.

Can the tree protection plan require a best effort and oversight by a certified arborist making recommendation and then working on site to supervise and guide the excavations so a better rate of saving those trees results?

Tree loss mitigation: one medium large fir tree may have a value exceeding \$10,000 so how will the applicant mitigate this loss. As shown approximately 30 trees will be cut with others lost to work up to a size of 50". Planting 3 x 1/2" trees per tree lost hardly replaces that value which is lost.

### **Natural resources**

The 2001 Mt Tabor Park master plan also evaluated these wildlife and plant resources.

### **Mitigation**

The 2001 Master plan for Mt Tabor park was also amended or revised by Resolution 36539 in 2008.

### **Previous LUR**

The 2003 determination discusses many of the definitions and exemption for the proposed work then that would still be relevant today, including:

pages 4, 5, 6, and 7, as they relate to the historic reviews, new development, mitigation, and alterations..

I did further question the definition of those structures in that once disconnected from the water system, they would no longer be classified under utility rules. What would they become and at what point in time?

How then would the code apply and what would that use be then?

Was there a use determination done for the maintenance yard in 2005 or 6 when Warner Pacific planned to purchase those 8.25 acres?

**Subject:** RE: Mt Tabor Park LURs

**From:** "Adam, Hillary" <Hillary.Adam@portlandoregon.gov>

**Date:** Sat, 18 Oct 2014 01:08:55 +0000

**To:** Mark Bartlett <bartlett.m@comcast.net>, "Stephanie Stewart and Mike St Clair" <stewartstclair@gmail.com>, Kim Lakin <kim@kimlakin.net>, Dawn Smallman <velvethammer00@hotmail.com>

Hi Mark,

My responses are below.

1. The official comment period has not been established yet, as the application has not yet been deemed complete and the Notice of Proposal has not been issued.
2. Yes, they did waive their right to a decision within 120 days.
3. I have not yet scheduled a hearing before the Historic Landmarks Commission. Once the application is deemed complete, we are supposed to schedule a hearing within 51 days of completeness. You may contact the applicant, tom Carter at 503-823-7463 or [tom.carter@portlandoregon.gov](mailto:tom.carter@portlandoregon.gov) if you would like PWB to address your concerns. You will also have the opportunity to present comments and have the PWB respond at the historic Landmarks Commission hearing. You may also send me any comments, which I will forward to the applicant. I anticipate SHPO will have sufficient opportunity to comment between the time the application is deemed complete and the hearing takes places. I must determine completeness by next week; If it is complete, we anticipate that the first Landmarks hearing date will be in early December.
4. The prior application was withdrawn because it was determined that a higher level of review was necessary. The current application contains significantly more information than the prior application. Any deficiencies will be conveyed to the applicant. I anticipate they will be adequately addressed before we proceed with next steps.

You are welcome to come in and view the application materials, however they are all uploaded to the PWB website: <http://www.portlandoregon.gov/water/65903>

Have a good weekend.

~Hillary

Hillary Adam  
Bureau of Development Services  
p: 503.823.3581

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]  
Sent: Thursday, October 16, 2014 2:45 PM  
To: Adam, Hillary; Stephanie Stewart and Mike St Clair; Mark Bartlett; Kim Lakin; Dawn Smallman  
Subject: Mt Tabor Park LURs

Hi Hillary,

I have some preliminary questions if you could respond...

- 1) what are the dates of the open comment period,... from when to when exactly.
- 2) Did water request to waive the 120 day decision period as they indicated in our meeting they were intending to in order to allow additional time for the public as well as room for any work to be adjusted responsive to concerns?

3) I understand you are attempting to schedule the Landmarks meeting during the open comment period. How then would they address any concerns that might come after that meeting yet be within the 51 days?

Are you anticipating they will be able to address all concerns without any public interaction? And further would they necessarily hold another public meeting if there are concerns they did not consider but must?

And since SHPO has 30 days to comment, how would Landmarks then consider their work, especially if they request any extension for additional information?

4) In that last LUR there were errors in my view that rendered it not complete yet you and BDS staff considered it complete.

As it turns out those of us who had concerns were likely correct and that is why it was withdrawn. How then in this new app, will BDS respond if there are issues or questions that would indicate it is not, or at least question the validity of it being deemed complete?

And what if those questions are not answered or satisfied within the 51 day period, when would that begin?

Thank you,  
Mark



**Subject:** Re: request for information for Tabor disconnect LURs  
**From:** Mark Bartlett <bartlett.m@comcast.net>  
**Date:** Tue, 28 Oct 2014 15:28:23 -0700  
**To:** "Schmanski, Sonia" <Sonia.Schmanski@portlandoregon.gov>, Mark Bartlett <bartlett.m@comcast.net>

Hi Sonia,  
I asked Tom for the notes as described below since as applicant he would have all, including some BDS would not necessarily have since he likely talked directly to some people or agencies responding to the application proposal.

They would have sent notes, recommendations, corrections, and direction on how to meet their concerns and therefore the code. This information is integral to the comprehensive whole in providing the public with full disclosure.

He responded that he never intended to share those notes in spite of the promise for transparency and our express interest in them as far back as the March meeting at SEUL.

So I sent him a request for information which is attached.

Please note the formal form is quite difficult to work with so I constructed the e mail below as an attached addendum.

BDS has responded but no one from WB. Can you follow up to see it got to the proper contact and that I get a response please.

Better yet ask Tom to provide the notes and other requested information that would come from the WB as applicant.

I can't understand why he'd choose this path?

If I were the applicant I would have compiled all into a file for easy reference so they should be easily copied to a flash drive or disk.

Be happy to give you a new one in exchange.

Thanks,  
Mark

Mark Bartlett wrote:

Paul,  
Attached please find an amendment to my request for documents of 10-22, which again will be of great public interest as they involve the Tabor LURs currently under review by BDS. As the space for requesting information on the accepted City form is so small, I attached it to an e mail so I could better enumerate the documents I wished to see.

As of today, there was no constructive response from either Hillary @ BDS or the Water Bureau as applicant (Tom Carter) to my requests of a week ago.

In fact Tom actually indicated that he did not intend to provide those documents even though we discussed their relevance back in a face to face meeting in March. The reason for that meeting and the CAC meetings with Tom that followed, were to provide transparency, and to give the public information about the proposed plans for work in the park. These documents would provide a part of that comprehensive body of information.

In my 10-22 request I asked for the pre application notes and any related documents from any and all agencies reviewing the application. I asked for the originals, not summaries or interpretations as they often do not accurately reflect the comments. These would be written notes, e mails, and other means to provide the applicant the necessary direction or recommendations, or concerns about the application or work. As applicant, the WB (Tom) would receive all of this information. (The WB may have more documents than BDS since they would have communicated directly with some agencies outside of the pre app conferences)

I also request any and all communications between BDS staff and the WB as applicant. And all communications and discussion regarding the land use determination dated 3 Sept 2003, or any current use as staff determined and then advised on, for this application whether from BPS or BDS..

I asked for the specific check list BDS uses to conclude that any application is compliant and complete in order to be accepted for review, thus commencing the comment period (51 days in this case as a type 3) and so any clock for rendering a decision on the application. And who ultimately determines the application complete and ready to be accepted?

I would appreciate a timely response in that BDS accepted in error the earlier application, as a type 2, so I found that to be a concern because of who the applicant was, and the information provided in order to have accepted this application as a type 2.

BDS has yet to accept as compliant and complete the current application. I thought it to be of great public interest just how BDS determines this acceptance in that they did so in error the first time. I asked that Tom and /or BDS provide these documents prior to the application being accepted by BDS.

I also asked how citizens might provide information to BDS, if that accepted as provided by the applicant was not correct, and what that would do to the legal time line for the LUR process.

I look forward to your timely response.

Thank you,  
Mark Bartlett

**10-22-14 doc request to BDS and WB0001.pdf**

**Content-Type:** application/pdf

**Content-Encoding:** base64

(14)

**Subject:** RE: [Approved Sender] Re: Public Record Request  
**From:** "Hall, Tim" <Tim.Hall@portlandoregon.gov>  
**Date:** Fri, 31 Oct 2014 19:10:41 +0000  
**To:** Mark Bartlett <bartlett.m@comcast.net>  
**CC:** Stephanie Stewart and Mike St Clair <stewartstclair@gmail.com>

Mr. Bartlett,

We'll have to revise your record request for these specific documents and communications.

There will be a cost to reimburse both the Water Bureau and the Bureau of Technology Services (BTS) for employees' time redirected from their regular responsibilities to search through communications and records for the information you've requested.

In accordance with the City public records procedures, the Water Bureau must first determine an estimate of the employee(s) reimbursement costs, then provide you with that estimate, and move forward after the City has received 50% of that amount.

I will get back to you as quickly as possible with that estimate.

Both Teresa Elliott and Tom Carter are advising on your record request.

Thank you for your patience.

Tim

Tim Hall  
 Manager, Public Information & Involvement  
 Portland Water Bureau  
 1120 SW 5th Avenue, 6th Floor  
 Portland, OR 97204  
 503-823-6926 - Office  
 503-381-0056 - Cell 24/7

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]  
 Sent: Friday, October 31, 2014 11:50 AM  
 To: Hall, Tim; Stephanie Stewart and Mike St Clair; Mark Bartlett  
 Subject: [Approved Sender] Re: Public Record Request

Tim,

I understand what a check sheet is but wanted Tom to know what it was I wanted to see, so was covering my linguistic bases. We discussed this in March when meeting at SEUL.

I've done type 3 and 4 apps as applicant, so understand the process. There would be communications between applicant and numerous agencies about the proposal. Those responding would send suggestions, recommendations, concerns, etc,...for changes and on how to comply with the code.

Their would be communications between WB as applicant and consultants like historical preservationists and foresters, SHPO, Landmarks, etc...

I requested those correspondence, notes, responses, and e mails, not summaries or interpretations. I understand not all those who look at the proposal would attend the pre app meeting, but would send theirs in another fashion, even if they

35  
As applicant you (WB) would have all of those records / docs. Some may not be in the hands of BDS or BPS, so I requested them from the WB.

I find it less than credible that the use was not discussed since all begins with that. It would be the very first thing I would do and put behind me. I would require a written finding from BDS / BPS that was current to 2014, since that from 2003 may or may not have changed.

It was mentioned at the first preapp but strangely not discussed at all according to the notes. As one who has done type 3 and 4 land divisions, I know that it would be of concern to me if I were an applicant and I'd want further clarity on just how that relates to the current application, and something current in writing.

I also requested the checklists for both application (Jan 27 2014 ( 2 LURs); and the recent effort, so three lists total ) from BDS to meet their submission compliance, so an item by item list necessary to be deemed complete and accepted for review.

Thanks,  
Mark

Hall, Tim wrote:

Hello Mr. Bartlett,

In response to your Public Record Request dated October 22, 2014, on October 30<sup>th</sup>, the pre-application notes were submitted to Bureau of Development Services (BDS) for inclusion in the LU application in **\*Appendix H\***. The use determination is being added to the application as **\*Appendix I\***.

You can acquire a copy of the official Land Use Application from BDS at 1900 SW Fourth Ave in downtown Portland. Please reference the Land Use number **\*LU 14-218444 HR EN\***. Please note that there is only one Land Use application, not multiple applications. The historic review and environmental review are in the same application.

Along with other information about the project, the Water Bureau has posted a courtesy copy of the Land Use application on our website, however, it's important to note that it is not the official copy.  
<http://www.portlandoregon.gov/water/64097>

There are no check sheets. Those are issued after the Land Use is approved when the permits are being reviewed before the building permit or site development permit is issued.

There are no emails or internal communications discussing the use determination.

Thank you.

Tim

**\*Tim Hall\***

Public Information & Involvement Manager

**Subject:** Re: LU 13-236792 HR & LU 13-240530 EN - Mt. Tabor Reservoirs

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Wed, 19 Nov 2014 10:26:45 -0800

**To:** "Adam, Hillary" <Hillary.Adam@portlandoregon.gov>, Mark Bartlett <bartlett.m@comcast.net>

Hillary,

1522

I can bring some docs tomorrow. Both the Willard report and the PPR park master plan are on line for downloading. I can highlight parts I select, but wanted the entire documents included in the file for appeal purposes should they be needed.

One thing I found conspicuous by its absence were any DAR notes from any BDS / WB staff meetings with the Landmarks for either LUR application. When reviewing the files I did not see these.

Were or are there any documents or notes or e mails from any early assistance meetings or DAR with Landmarks related to either of these files?

Thank you,

Mark

Adam, Hillary wrote:

Mark,

If you want additional documents submitted into the record, you must provide them. If you desire the Commission to pay special attention to specific parts of these documents, you must call them out specifically.

As you have indicated, many of these documents are quite large. I will only be able to make one copy of each available at the hearing.

~Hillary

Hillary Adam  
Bureau of Development Services  
p: 503.823.3581

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>] Sent: Monday, November 17, 2014 2:14 PM

To: Adam, Hillary

Cc: Commissioner Fritz; Scarlett, Paul; Dufay, Anne; Stephanie Stewart and Mike St Clair; Argentina, Eileen; John Laursen; Leistner, Paul; bing wong; Kim Lakin; Mark Bartlett; [bob@southeastuplift.org](mailto:bob@southeastuplift.org); Sollinger, Margie

Subject: Re: LU 13-236792 HR & LU 13-240530 EN - Mt. Tabor Reservoirs

Hillary,

Please add this e mail to the new file. I understand that these would then be included in the staff report to the Landmarks (LM) hearing.

After reviewing those three LUR files (from Jan 27 and now October 2014) this morning I see none of the earlier comments included. I doubt earlier commenter understand they must once again send their concerns, so notifying them would be appreciated.

I request you add this e mail as well as my e mail with attachments from Feb 10 at 8:41 am to the file. That was my letter to Council and BDS regarding the first LUR with my concerns along with the 2002 reservoir demolition strategy attached. It was in that first LUR file but not the new file.

I did not see the Willard report, a report and audit completed by a City employee listing the entire built inventory of the Water Bureau down to the last piece of rebar with a cost basis for all included. This would be invaluable for the LM and SHPO work regarding just what exists and how to address any forthcoming work or preservation.

The WB has copies of this as I was given one in 2008. I also saw his work on City archives since he was a City employee in case the WB has "lost" their copies. It is not small so an e version would be best to transmit to you.

I'm also attaching the 1959 parcel map showing the 51 individual parcels making up the park. That should be attached to the 2009 version of the Mt Tabor master plan as updated to include work done in 2007-9. Please include the entire document of approximately 227 pages with maps and addendums.

Dan Coombs also did deed research on WB property during his employ with them. The WB appears to be in title to the 51 acres surrounding the reservoirs only.

I have handed that research to Comm Fish and Fritz. The balance of the parcels making up the park is owned by either the Parks Commission or in some cases the City of Portland.

I have yet to find any document reconveying title from that early park entity to the City of Portland, so there would be two additional parties in title. As PPR and the WB did not exist at the time of purchase or when lots were donated early in the past century, I believe there may be some concerns with the deeds and clear title allowing work other than for park purposes. Certainly digging a massive trench and removing mature trees cannot be considered for park purposes.

As the proposed work crosses onto parcels that the WB is not in title to, I will presume that BDS has been provided deed research with title reports showing that there are no restriction or reversion or other use limitation in those deeds for parcels which will be crossed.

I know as an applicant myself, it is my obligation to provide BDS with evidence of clear and unambiguous title to the property before the application is accepted for review. However, I saw nothing in the files this morning indicating that was the case, yet the application was accepted?

BDS nor the WB can on the assessor maps which all who have been involved with this Park and issues over these past 15 years know are incorrect. When asked directly how the 51 parcels were consolidated into two parcels and at who's request he refused to respond.

PPR addressed this in a memorandum dated 15 September 2008, by Eileen Argentina a PPR staff member discussing the title issues. Please include that memorandum in the file. I will forward a copy.

I earlier asked you for the intake check list used by BDS to qualify and deem complete the application of Jan 27th 2014 as a type 2, along with the application indicating the value of work from Tom Carter. I did not see either of these in any file. Nor did I see either document in the new LUR file. I would also like to review those same documents for this new application.

Please provide us with those documents for both LURs.

I would appreciate at least 24 hours notice of any intent to close the file for staff to construct their report for the LM hearing so that I can forward the documents I intend adding to the file. I realize that you may not allow or

to extend the timeline and provide more public input if they wish, beyond the minimum required in the law. The applicant in this case is the Water Bureau and the Commissioner in charge of that Bureau is Commissioner Fish. An extension of some sort, seems reasonable, but I am not privy to the Water Bureau challenges and constraints on the issue. I suggest you direct your entreaties for more time to the applicant.

Sincerely,

Thomas Bizeau

Chief of Staff

Commissioner Amanda Fritz

Ph: 503-823-3990; [tom.bizeau@portlandoregon.gov](mailto:tom.bizeau@portlandoregon.gov)

**From:** Stephanie Stewart [<mailto:stewartstclair@gmail.com>]

**Sent:** Sunday, February 09, 2014 11:24 PM

**To:** Commissioner Fritz; Commissioner Fish

**Cc:** Bizeau, Tom; Schmanski, Sonia

**Subject:** MTNA request regarding Tabor disconnect LU application

Via email Feb 10, 2014

Dear Commissioners Fritz and Fish,

The Mt. Tabor Neighborhood Association writes to express multiple concerns about the applications # LU 13-236792 and 13-240530 dated Jan 24, 2014 (one joint notice, which arrived Jan 28).

We respectfully request that you direct the Water Bureau (PWB) and the Bureau of Development Services (BDS) to extend the comment period until at least March 30th. Citizens have been given a notably short comment period (just 13 business days, 10 if you adjust for storm related closures) for two complicated land use reviews (Historic Resources and Environmental) tied to a project with major implications for our local environment.

Water Bureau failed to present detailed plans regarding these projects to any of the impacted neighborhood associations at our monthly meetings. Nor did Water Bureau contact other community stakeholders who have worked on preservation of the reservoirs for many years. The allotted comment period falls between monthly meetings, the customary venue at which the public expects to hear about and weigh in on issues such as these. In 2006, before beginning the reservoir upgrade projects at Tabor and Washington Park, there was public notice of the Water Bureau's pre-application meeting at the Bureau of Development Services where questions could be answered. Subsequently two meetings were held *before* the Water Bureau submitted their application. Today, the Bureau is *less* transparent proceeding with *more* significant land use impacts.

### **Permanently disconnecting reservoirs from all water sources**

Water Bureau proposes to disconnect the open reservoirs from the supply system while also ceasing all flows between reservoirs. This proposal leaves these reservoirs without *any* water source at all, which is in direct conflict with their stated historic value (as City-Beautiful, deep-water vistas), the community's last "what goes on top" design process directive (which called for water features), and a protected scenic view corridor. The Water Bureau proposes no mitigation for the degradation that will occur as a result of this move.

As these deep-water reservoirs are

1) the central design feature of Mt Tabor Park, created by landscape architect Olmsted,

**Subject:** Fwd: FW: MTNA request regarding Tabor disconnect LU application

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Wed, 12 Feb 2014 09:41:17 -0800

39

**From:** Stephanie Stewart <stewartstclair@gmail.com>

**Date:** Tuesday, February 11, 2014 at 10:07 AM

**To:** "Bizeau, Tom" <Tom.Bizeau@portlandoregon.gov>

**Cc:** "amanda@portlandoregon.gov" <amanda@portlandoregon.gov>

**Subject:** Re: MTNA request regarding Tabor disconnect LU application

Dear Mr. Bizeau -

Thanks for your quick reply. As the Commissioner's office in charge of the Parks Bureau, we look to your office to be involved in this issue because it will dominate Mt. Tabor Park. As the Commissioner's office in charge of BDS, we look to your office to get involved in this issue at this moment to insure this case is getting the scrutiny it demands from BDS staff. We contacted Commissioner Fish's office the same time we contacted you (no response yet). We have also contacted the listed applicant (Tom Carter, no response yet) and the BDS planner assigned to the Historic Resources Review (no response yet).

The plan to disconnect our reservoirs from our drinking water supply was expected, but what is new here is the plan to completely cut off *all water* to these reservoirs, and leave them dry. This is a definite change in course, counter to all past public discussions, and it was simply declared by PWB without any public process. I assert that this is the kind of decision a community should make in concert with their government. Or, at the very least, this is the kind of decision a government should more thoughtfully announce.

As owners of registered historic assets, PWB is mandated to steward these structures properly. Without water, these facilities will degrade exponentially. Stewardship is a clearly defined maintenance obligation, and the plan to disconnect these reservoirs from the drinking water supply should come with a mitigation plan to provide water for proper stewardship of both the protected views and the historic structures. We look to your office to help the community press for a mitigation plan that protects the structures and this dominant feature of our park.

Thank you,  
Stephanie Stewart  
MTNA land use chair

**From:** "Bizeau, Tom" <Tom.Bizeau@portlandoregon.gov>

**Date:** Monday, February 10, 2014 at 10:57 AM

**To:** Stephanie Stewart <stewartstclair@gmail.com>

**Subject:** RE: MTNA request regarding Tabor disconnect LU application

Stephanie.

Thanks for the information on the recent application. We had no knowledge of the application but it appears to be a requirement associated with the LT2 directives. You know where our Commissioner has taken a stand on these issues in the past and has had little success with altering the chain of events leading up to this application. It is my understanding that there are not easy alternatives to keeping water in the reservoirs and meeting the disconnect requirements of LT2. It would be good to explore those alternatives if they exist but Commissioner Fritz and Commissioner Fish have indicated that a public process for the reservoirs cannot occur until after the vote for a Water District has been decided. Mean while the requirements for LT2 continue.

From our vantage point, we are not able to stop an application in process, public or private. The applicant can however choose



to extend the timeline and provide more public input if they wish, beyond the minimum required in the law. The applicant in this case is the Water Bureau and the Commissioner in charge of that Bureau is Commissioner Fish. An extension of some sort, seems reasonable, but I am not privy to the Water Bureau challenges and constraints on the issue. I suggest you direct your entreaties for more time to the applicant.

Sincerely,

Thomas Bizeau  
Chief of Staff  
Commissioner Amanda Fritz  
Ph: 503-823-3990; [tom.bizeau@portlandoregon.gov](mailto:tom.bizeau@portlandoregon.gov)

**From:** Stephanie Stewart [<mailto:stewartstclair@gmail.com>]  
**Sent:** Sunday, February 09, 2014 11:24 PM  
**To:** Commissioner Fritz; Commissioner Fish  
**Cc:** Bizeau, Tom; Schmanski, Sonia  
**Subject:** MTNA request regarding Tabor disconnect LU application

Via email Feb 10, 2014

Dear Commissioners Fritz and Fish,

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As these deep-water reservoirs are

1) the central design feature of Mt Tabor Park, created by landscape architect Olmsted,

**Subject:** RE: missing files at archives  
**From:** "Poelwijk, Yvonne" <Yvonne.Poelwijk@portlandoregon.gov>  
**Date:** Fri, 17 Apr 2015 17:18:34 +0000  
**To:** Mark Bartlett <bartlett.m@comcast.net>  
**CC:** "Hardy, Douglas" <Douglas.Hardy@portlandoregon.gov>

I received your voice mail but you did not leave me a phone number to call you back.

These files are not at archives.

I have file number LU 13-236792 HR here. You will want to call me and set up a file review. There is a \$15 charge. If you want to make copies of any documents there will be an additional fee.

EA 14-118276 Pre-app (you have listed below) is part of the LU 14-218444 HR EN file that has been appealed.

You can come in and go to the Development Services Center on the first floor at 1900 SW 4th Avenue and have someone get you on one of our computer stations. You can look up these files and print the documents you want. The complete paper trail for these: EA 14-118276, IQ 03-153994, PR 03- 186237 ZC are in our data base system.

Let me know if you have any other questions.

Yvonne L Poelwijk  
 BDS, Records Management  
 (503) 823-7814  
 Office Hours: Mon - Fri, 7:30 AM - 4:00 PM  
[Yvonne.Poelwijk@portlandoregon.gov](mailto:Yvonne.Poelwijk@portlandoregon.gov)

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]  
 Sent: Friday, April 17, 2015 9:27 AM  
 To: Poelwijk, Yvonne; Johnson, Brian K.; Mark Bartlett  
 Subject: Re: missing files at archives

Hi,  
 I am trying to view these files and Brian could not find them.  
 So as I mentioned below, we were wondered where they were and if the numbers had changed so they could be located and viewed at archives.  
 Thank you,  
 Mark

Poelwijk, Yvonne wrote:

Mr. Bartlett - please give me a call at 503-823-7814 and let me know how I can be of assistance. Thank you.

Yvonne L Poelwijk  
 BDS, Records Management  
 (503) 823-7814

**Subject:** RE: BDS Public Records Request

**From:** "Poole, Colleen" <Colleen.Poole@portlandoregon.gov>

**Date:** Wed, 18 Mar 2015 20:44:13 +0000

**To:** Mark Bartlett <bartlett.m@comcast.net>

**CC:** SKARSTAD Robin <robin.skarstad@mcda.us>, SEWELL Travis <Travis.SEWELL@mcda.us>

Mr. Bartlett,

The dates will be corrected from 6/1/2014 TO 6/1/2013, if you decide to move forward with the electronic records request.

The information I am providing below is in an effort to clarify documents that you claim are not found online or in the case file:

It appears that you are requesting to see prior land use files which are listed in the LU 14-218444 Decision.

In all land use cases, we list previous relevant land use cases; however, we do not include these case files in the current case file. Therefore they are not in the physical file, but you may request to view them. I believe you have already reviewed some of these files.

Also, they would not be online as part of this case because, as I said, they are not actually part of this case file. They are also not online yet since we have not been able to scan every land use case file for web viewing - hopefully when we hire additional staff we will be able to complete this project.

As I said, because of the high level of interest in this case, we posted many documents on line that we normally would not, as a courtesy to interested parties. The file is complete and can be viewed, in person, in our office. My understanding is that you have already viewed the complete file (prior to decision). You can request that the 2003 files be pulled from archives, and you can request to view the 2013 and 2014 files through file review.

Please contact Records Management at 503-823-7526 if you wish to view those files.

Best,

Colleen

Colleen Poole, Bureau of Development Services  
Director's Office, Customer Service Coordinator  
503.823.7889

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]  
Sent: Wednesday, March 18, 2015 8:37 AM  
To: Poole, Colleen; Mark Bartlett; SEWELL Travis  
Subject: Re: BDS Public Records Request

Colleen

No response still.

You have the dates wrong and the estimate does not show me what you will produce. Of course the critical time frame of interest you've changed by beginning at 6-1 of 2014 rather than 2013. The links to the land use files which I did not find in the paper file should not be a charged part but included with access, and since

42  
they are part of the record, made available.

Please let me know since I originally sent this to BDS on Feb 5, so 6 weeks ago. The delays are not appreciated.

Mark

Mark Bartlett wrote:

Colleen,

I'd like to know what the documents are before committing. The missing docs were posted to the file but not included yet should be available on line at the BDS site. I should not pay anything for you to make these available.

"Or mention of these file references re the use or reservoirs

LU 13=236792 HR

EA 14-118276

IQ 03-153994

PR 03- 186237 ZC "

You might want to again check those dates on my request. You missed on that.

Thanks,

Mark

Poole, Colleen wrote:

Mr. Bartlett,

Attached is the preliminary cost estimate for completing the electronic portion of your records request. Please let me know if you want to move forward. Because the estimate exceeds \$100, a 50% deposit (\$74.32) on the preliminary estimate is required prior to any additional work being performed to make the records available. What BDS case files are you referring too? My understanding is that you reviewed the full Land Use Case file which contains all the documents. It is not clear as to what additional files you are asking to view.

Thank you,

Colleen Poole, Bureau of Development Services Director's Office,  
Customer Service Coordinator 503.823.7889

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>] Sent: Wednesday, March 11, 2015 8:39 AM

To: Poole, Colleen; Mark Bartlett

Subject: Re: BDS Public Records Request

This was for the LUR at Mt Tabor as you know.

The BDS case files should have been in the physical file but I could not find them. I asked Melissa to send me a link since they are public records which should be available at no cost. I will arrange to come in to view them if you refuse to provide an online link so I can see them.

Why did it take more than a month to respond?

Mark

Poole, Colleen wrote:

Mr. Bartlett,

I will provide you with a cost estimate based off the electronic email request you outlined below very soon and then we can proceed from there.

Thank you,

Colleen Poole, Bureau of Development Services Director's Office,  
Customer Service Coordinator  
503.823.7889

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]

Sent: Friday, March 06, 2015 3:49 PM

To: Poole, Colleen; Scarlett, Paul; Stephanie Stewart and Mike St Clair; Mark Bartlett

Cc: SEWELL Travis

Subject: Re: BDS Public Records Request

Colleen,

I am requesting to view the records per ORS 192.440 (2). Attached please find a correspondence from the DAs office.

As you know these are time sensitive records and material to any Council decision regarding the staff report and findings for the Mt Tabor disconnect.

Please let me know when I can come down to view these records, select and receive copies.

Thank you,

Mark

Hopkins, Melissa wrote:

Hello Mr. Bartlett,

I have changed positions within the Bureau and Ms. Poole now handles all public record requests for the Director's Office. Therefore, you do not need to copy me on your email communication. Best,

Melissa Hopkins

[Melissa.Hopkins@portlandoregon.gov](mailto:Melissa.Hopkins@portlandoregon.gov)

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

From: Mark Bartlett [<mailto:bartlett.m@comcast.net>]

Sent: Friday, March 06, 2015 1:02 PM

To: Hopkins, Melissa; Poole, Colleen; Mark Bartlett; Stephanie Stewart and Mike St Clair

Subject: Re: BDS Public Records Request

Colleen,

I've sent my petition to Travis at the DAs office for production of these documents since you refuse to respond.

If any of these were available in the file I would not be



requesting them.

I look forward to hearing from you asap.

Mark Bartlett

Hopkins, Melissa wrote:

Hello Mr. Bartlett,

In the message I left, I stated that I accepted a new position in a different Division. So, I am no longer processing public records requests. My colleague Colleen Poole will be able to assist you moving forward. However, please let Colleen know if the records you are now requesting were not available to you when you reviewed the file with the Land Use staff. I have copied Colleen on this message as well.  
Best,

Melissa

(503) 823-7135

[Melissa.Hopkins@portlandoregon.gov](mailto:Melissa.Hopkins@portlandoregon.gov)

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

From: Mark Bartlett [<mailto:markbartlett@comcast.net>]

Sent: Monday, February 16, 2015 8:08 AM

To: Hopkins, Melissa; mark Bartlett

Subject: Re: BDS Public Records Request

Hi Melissa,

You didn't say what in your message???

Can you tell me by e mail please. I can be difficult to reach by phone.

Mark

On 2/11/2015 3:33 PM, Hopkins, Melissa wrote:

Hello Mark,

I just left you a message. Please contact me at your earliest convenience. However, I am transitioning to a new position within the Bureau as of tomorrow and my phone number will change at the end of this week.

Best,

Melissa

(503) 823-7135

[Melissa.Hopkins@portlandoregon.gov](mailto:Melissa.Hopkins@portlandoregon.gov)

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

From: Mark Bartlett [<mailto:markbartlett@comcast.net>]

Sent: Thursday, February 05, 2015 12:41 PM  
To: Hopkins, Melissa; Mark Bartlett; Stephanie Stewart and Mike

St Clair  
Subject: Re: BDS Public Records Request

Melissa,  
Please find a request form attached with specific information requested in this e mail.  
I will come down to inspect the results and select anything I'd like printed.

The request is for any correspondence in the form of e mail and any other means between senders and / or recipients between dates 6-01 2013 and 2-6-2015  
between these participants:  
WB Tom Carter,

BDS Rebecca Esau , Douglas Hardy  
BDS Kimberley Tallant, Hillary Adams, Sheila Frugoli

with or using the words:

Use, as in use or existing use, use determination, or conditional use,

Or mention of these file references re the use or reservoirs

LU 13=236792 HR  
EA 14-118276  
IQ 03-153994  
PR 03- 186237 ZC

The above docs should be available on line if a link could be sent that would be appreciated.

Could you forward the required appeal forms per 33. 730.030 H (1)

It appears from code that any LUR appeal must be on forms you supply, so could I get a copy asap.

If there are two separate forms for Council and LUBA, please do provide or direct me to both.

Thank you,  
Mark

Hopkins, Melissa wrote:

To Mr. Bartlett:

I will be coordinating your BDS public records request. However, I have a few questions regarding your request before we can move forward.

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Please contact me at 503-823-7135 at your earliest convenience.

Best,

**\*Melissa Hopkins\***

Management Assistant

Customer Service & Communications

Bureau of Development Services

(503) 823-7135

[Melissa.Hopkins@portlandoregon.gov](mailto:Melissa.Hopkins@portlandoregon.gov)

\_\_\_\_\_ Information from ESET Smart Security, version of  
virus  
signature database 11183 (20150216) \_\_\_\_\_

The message was checked by ESET Smart Security.

<http://www.eset.com>



**Subject:** parcel map code for appeal

**From:** Mark Bartlett <bartlett.m@comcast.net>

**Date:** Thu, 26 Feb 2015 11:45:40 -0800

**To:** Stephanie Stewart and Mike St Clair <stewartstclair@gmail.com>, Kate & Chris <samsa@pacifier.com>, Mark Bartlett <bartlett.m@comcast.net>

Stephanie,  
Here are the requirements for type 3 LURs

They did not meet a number of these which I have indicated with bold, itlaics and underlined.

BDS accept copies of deed and title reports from the applicant for all of the parcels on which the proposed work will take place. This is required before the application is deemed complete for review. They did not meet this nor should BDS have accepted the application.

Mark

Title 33.730,060

C. Required information for land use reviews except land divisions.  
Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of  
all of the materials listed in this Subsection.

The Director of BDS may waive items listed if they are not applicable to the specific review.  
The applicant is responsible for the accuracy of all information submitted with the request.

1. /\* Two copies of the completed application form bearing an accurate legal description, \*/  
/\*tax account number(s) and location of the property.The application must include the \*/  
/\*name, address, and telephone number of the applicant, the name and addresses of all \*/  
/\*property owners if different, the signature of the applicant, and the nature of the \*/  
/\*applicant's interest in the property.\*/

2.  
One copy of a written statement that includes the following items:

- A complete list of all land use reviews requested;

- A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);

- A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate , this information may be placed on the site plan; and Additional information needed to understand the proposal, or requested at the pre application conference, if applicable.

3. /\* Four copies of a site or development plan.\*/  
/\*At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction.\*/  
/\*The site or development plan must be drawn accurately to scale and must show

48  
the following existing and \*/\_  
\_/\*proposed information:\*/\_  
\_/\*.\*\*/\_  
\_/\*All property lines with dimensions and total lot area;\*/\_  
\_/\*.\*\*/\_  
North arrow and scale of drawing;

Chapter 33.730

Title 33, Planning and Zoning

Quasi

Judicial Procedures

1/1/15

•  
Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;

•  
Existing natural features such as watercourses including the ordinary high water line and top of the bank;

•  
\_/\*The location, size, and species of all trees 6 inches and larger in diameter\*/\_  
•

On sites where the development impact area option for large sites in Chapter 11.50

will be used, only trees within that area must be shown;

•  
\_/\*Trees proposed to be preserved, including protection methods meeting the \*/\_  
\_/\***requirements of Chapter 11.60, and trees proposed to be removed**\*/\_  
\_/\*.\*\*/\_  
\_/\*.\*\*/\_  
\_/\*Easements and on site utilities;\*/\_  
•

Existing and proposed development with all dimensions;

•  
Building elevations;

•  
Location of adjacent buildings;

•  
\_/\*Distances of all existing and proposed development to property lines;\*/\_  
•

Types and location of vegetation, street trees, screening, fencing, and building materials;

•  
Percentage of the site proposed for building coverage, and landscaping coverage;

•  
Motor vehicle and pedestrian access and circulation systems, including connections off-site;

•  
Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;

•  
Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and

•  
Additional requirements of the specified land use review.

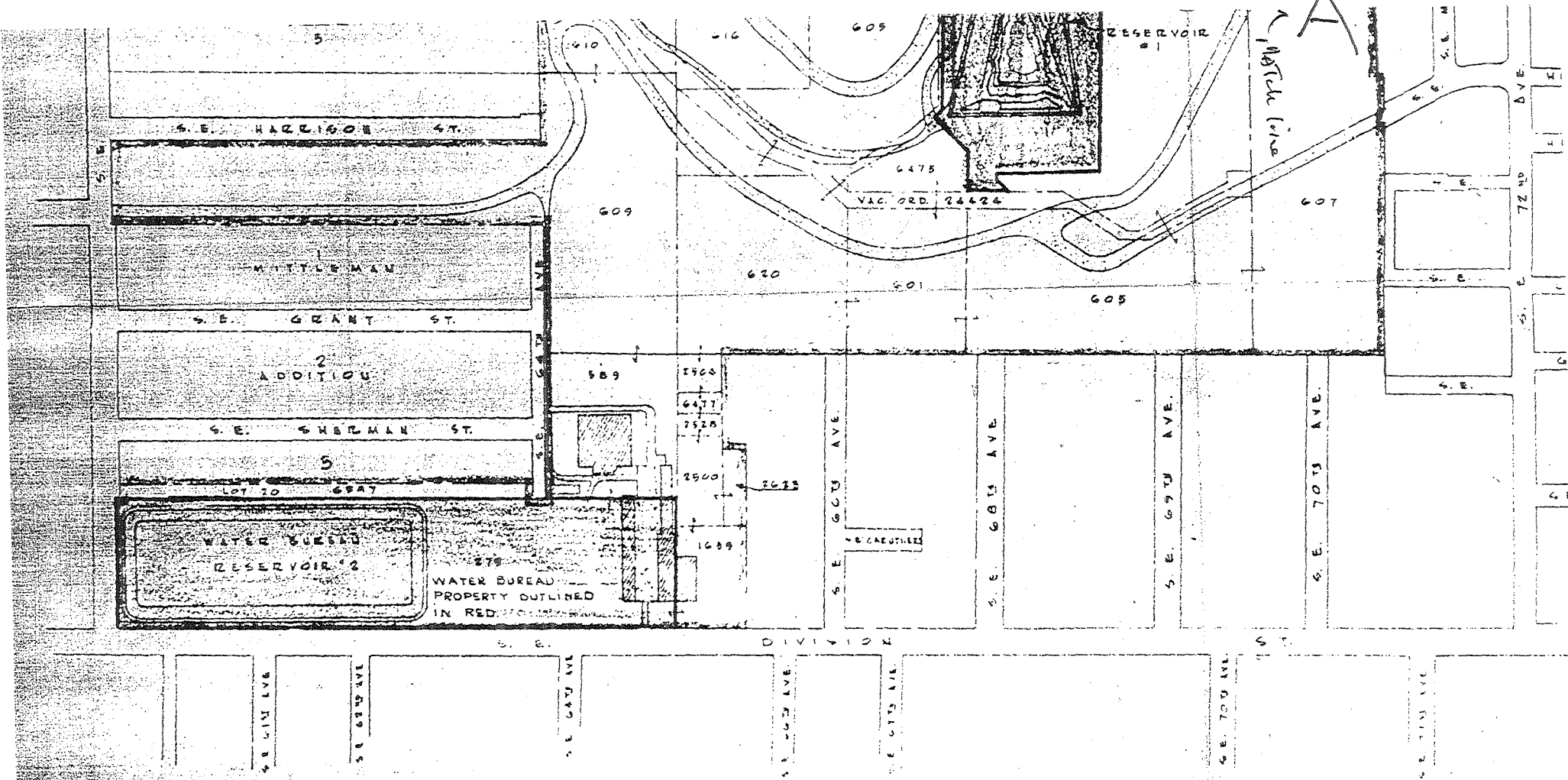
4.

In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of

participation, if available.

5.

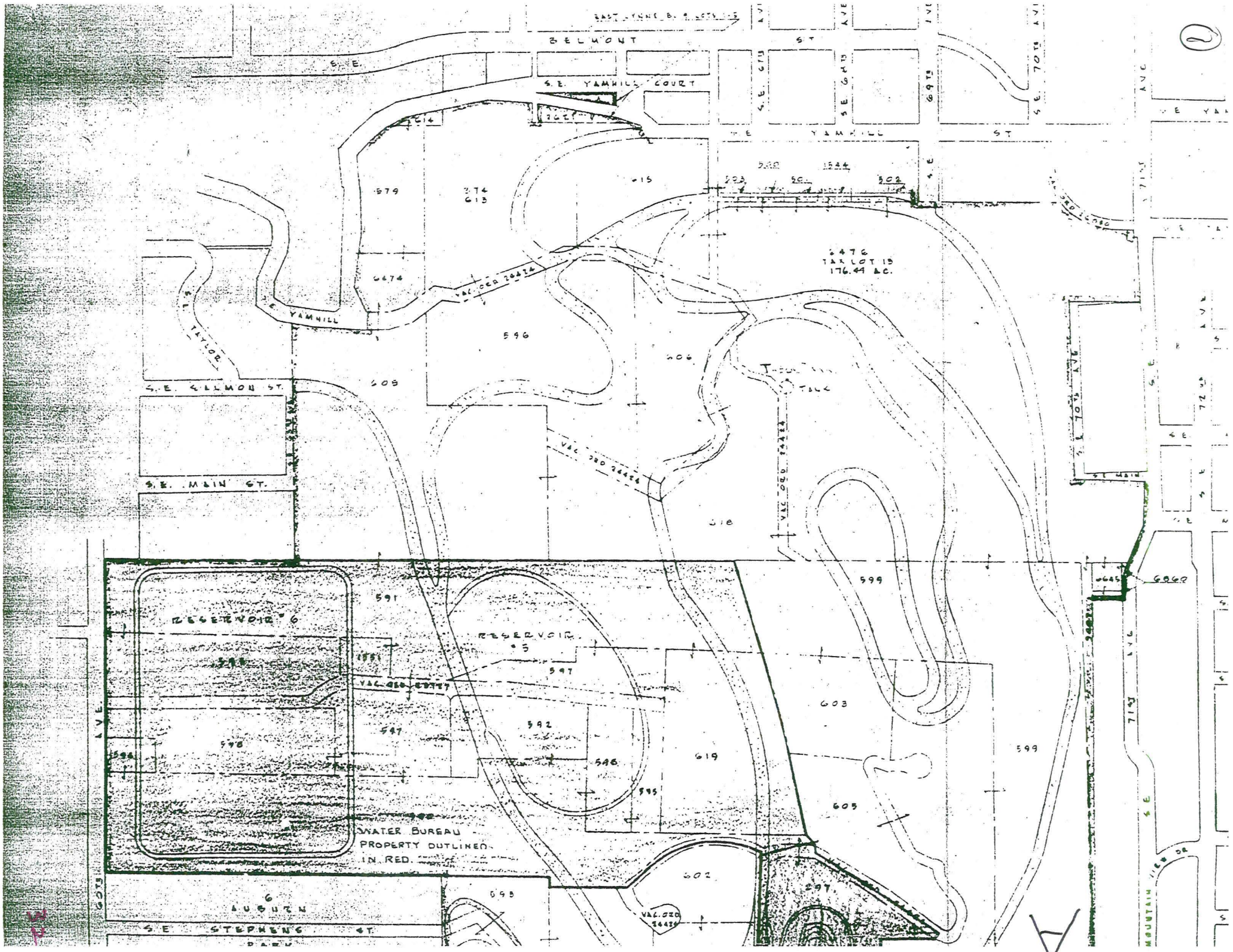
A transportation impact study, if required by the Office of Transportation at a pre application conference.



# LEGEND

- EXISTING ROADS
- PARK BOUNDARY
- WATER BUREAU BOUNDARY





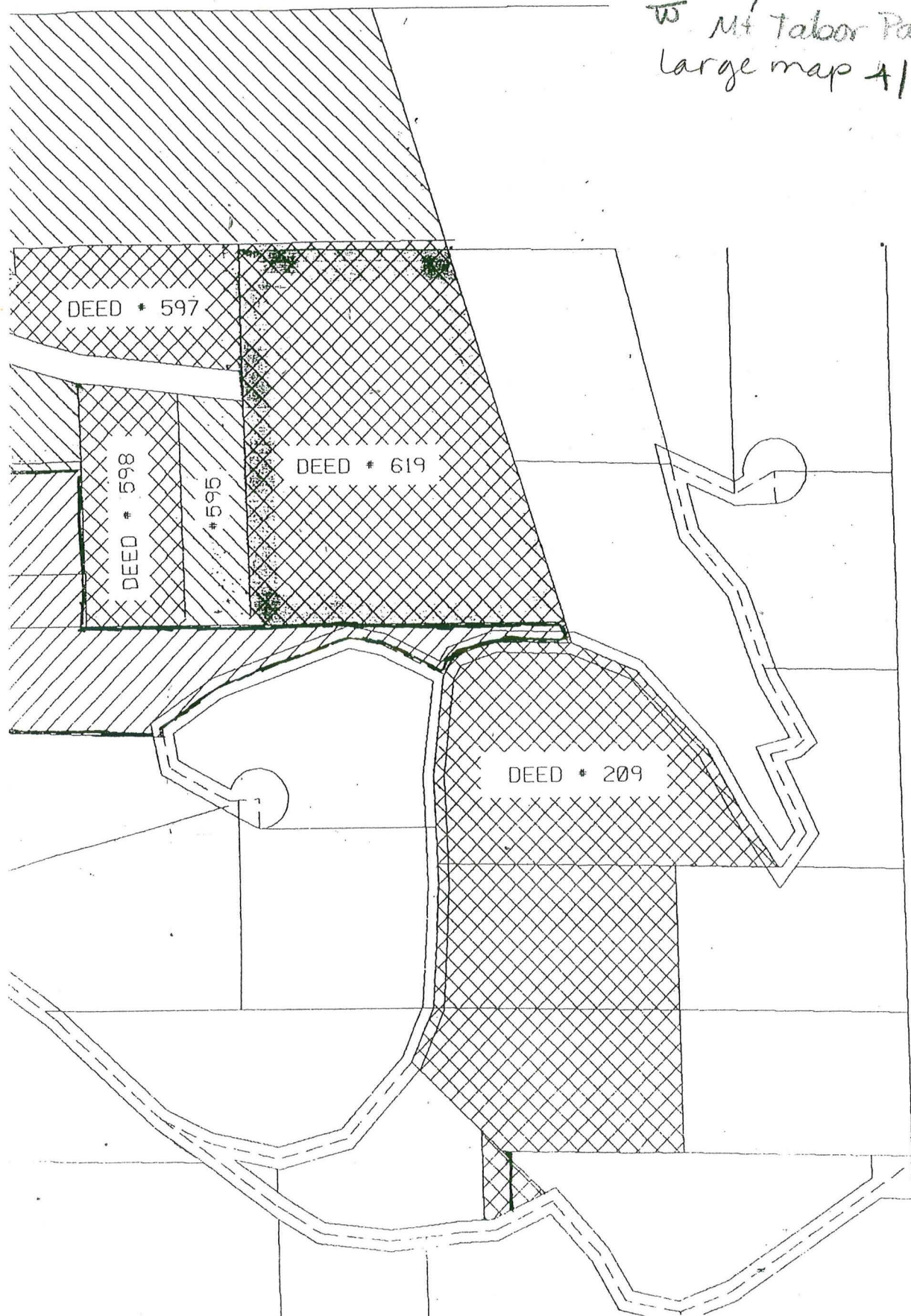


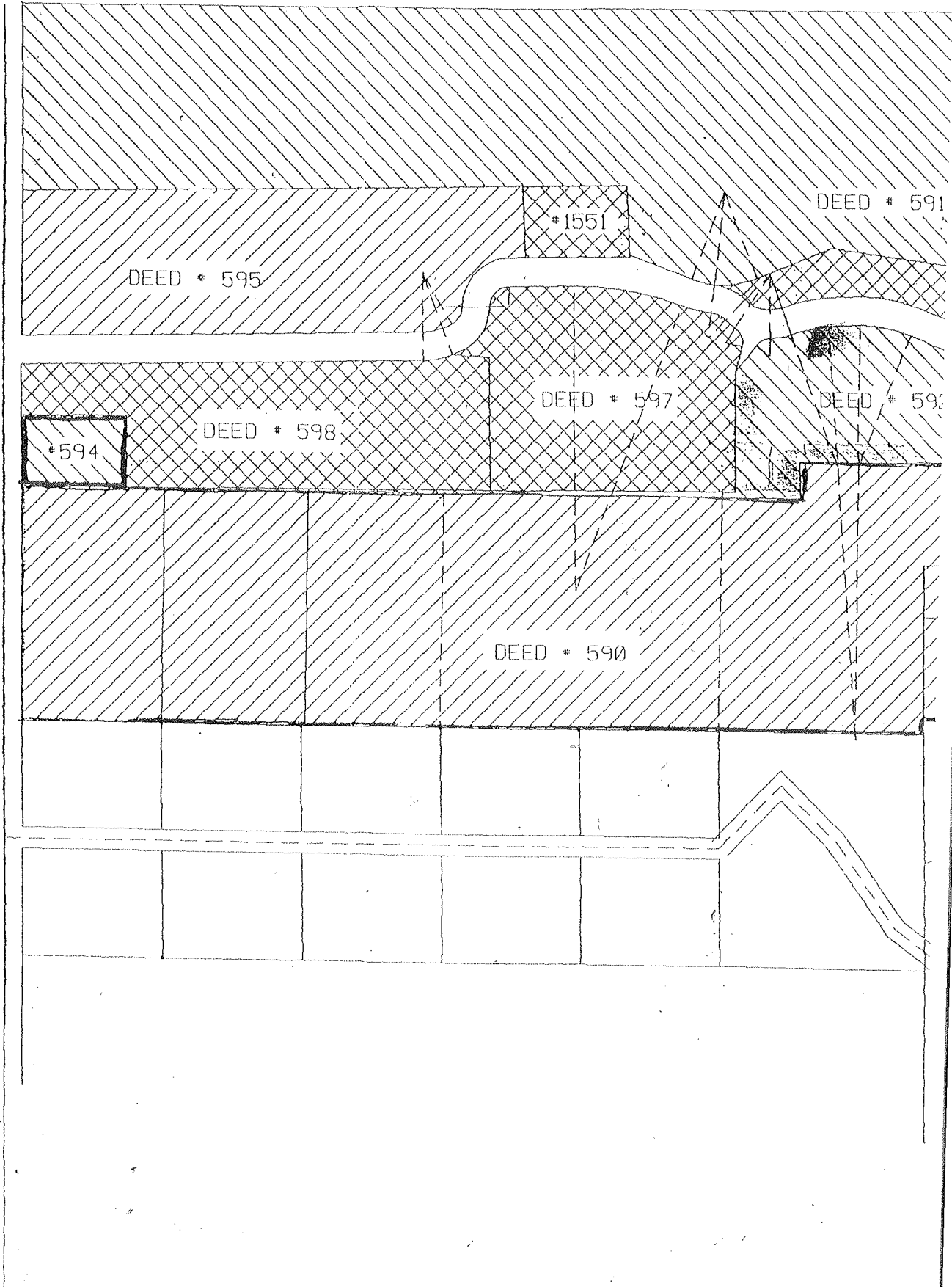
MATCH  
← Line  
(2)

got from Dan  
Combs - 2007

#209 / discrepancy

W Mt Tabor Park -  
large map 4/13/59

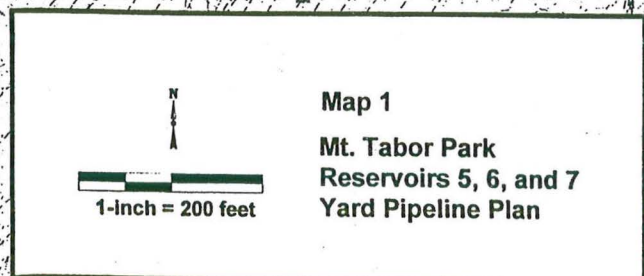
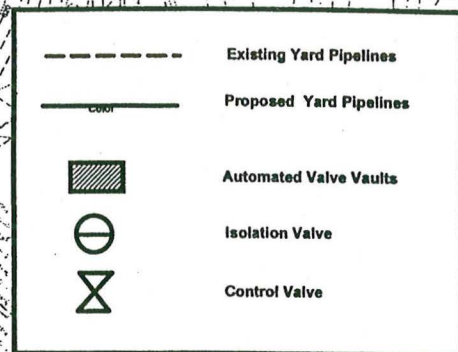






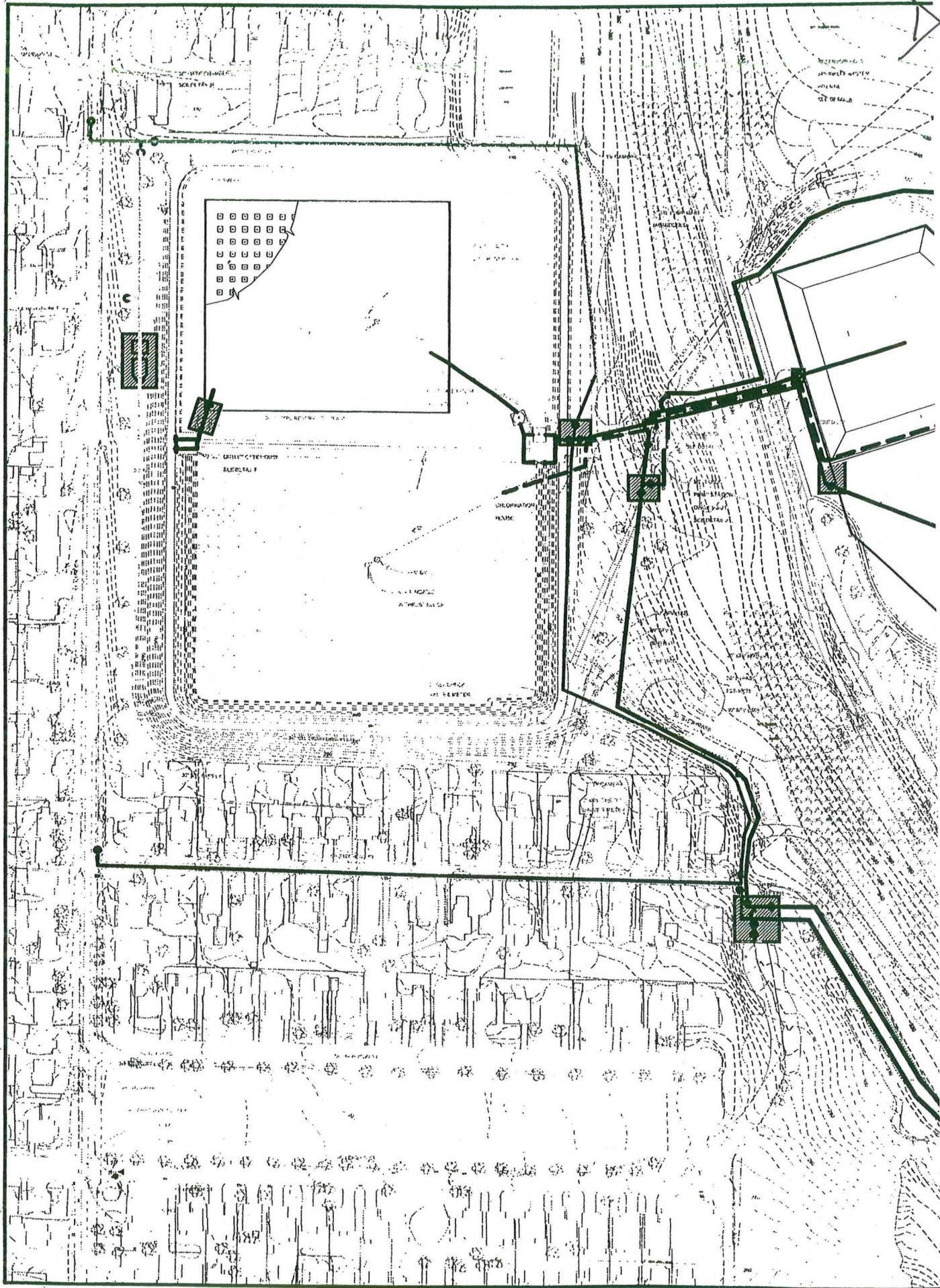
March line

(3)





(3)



from County tax Section  
As of 3-15 Mt TABOR PARK

As of 3-15 MT TABOR PARK



# EPA LT2, Bull Run Water Treatment Plants, and Costly, Unnecessary, Buried Storage Tanks

The result is corporate benefit over Portland's community interest, and it's no accident.

Many corporations were involved, but here's the outline of Portland's role:

Ex Portland Water Bureau executive Joe Glicker seems to be the chief architect of the corporate vision for Portland's Bull Run system.

He has been influencing Portland Water Bureau policy, and been on corporate retainer, almost constantly for 30 years.

His employment history:

Portland Water Bureau (PWB)	1980-1994	(Engineer, manager, whose job title changed over the years.)
Montgomery Watson Harza Global (MWH)	1995-2006	regional vice president
CH2M Hill	2006-present	regional vice president

Upon leaving the Portland Water Bureau, aided by a Portland Water Bureau-dominated selection committee, Joe Glicker immediately secured lucrative Portland Water Bureau consultant contracts for his new employer the global corporation, MWH. Through this string of overlapping and interrelated consultant contracts, Glicker, who was influential in negotiating the EPA LT2, has been able to set the corporate-benefiting course for the future of our Bull Run open reservoir system. Unnecessary additional Bull Run treatment plants and buried tanks are projects that will degrade our system, create new and unique public health risks, create massive debt, and more than double our water bills, all while providing no measurable public health benefit. None of this has been possible without the support of City Council. It's highly possible that, as a result of these unnecessary projects the system will become more unaffordable, and with the budget overloaded with debt, the persistent corporate dream of partial, or full privatization beginning with an "Intergovernmental Agency" will become a reality, ending Portland's sole public ownership of our water supply.

Bull Run treatment plant and buried tank CONSULTANT CONTRACT history: Source: Oregon Public Record requests 2002- present. Study contracts 1995 to 2005 were awarded without transparency or any public process 1989-1993 Montgomery, Watson Bull Run Water Treatment Study (Joe Glicker was not yet employed by MWH)

1995 [REDACTED] 2004 (9-year contract) Joe Glicker, MWH Powell Butte Master Plan contract outlines plans for multiple buried tanks, treatment plant.

1995 [REDACTED] 2003 (8-year contract) Joe Glicker, MWH Open Reservoir Study contract (Amended and extended 8 times)

1997 [REDACTED] 2000 (end date unknown) J. Glicker, MWH/ CH2M Hill Infrastructure Master plan contract - Build UV Radiation plant first, then Membrane Filtration plant, plus bury multiple tanks.

1997 [REDACTED] 2003 (5-year contract) Joe Glicker, MWH (secret) Federal Regulation contract (LT2) - negotiate EPA "public health" regulations. (Rhodes Trussell, a 32-year MWH CEO served on EPA's Science Advisory. Many now think LT2 based on flawed science.)

1999 [REDACTED] (end date unknown) J. Glicker, MWH Regional Transmission and Storage Strategy - (Corporate vision for Portland water to create an "Intergovernmental agency" change Bull Run ownership, add treatment plants, bury multiple tanks, and build a regional "blendcenter" to mix Columbia River, and Willamette River water with Bull Run water).

2001 [REDACTED] 2005 (4-year contract) J. Glicker, MWH Bull Run Treatment Panel - 18-month 2001 panel, controlled process; produced report. Panel ran for 18 months, contract four years. Panel concluded treatment not likely to add measurable public health benefit.

2003 [REDACTED] 2004 J. Glicker, MWH Tabor Reservoir Burial contract- Terminated in 2004. After Reservoir Panel (Independent Review Panel) did not support reservoir burial. Supported enhanced open reservoir security, and reservoir maintenance. Since then, \$45 million spent for reservoir upgrades.

2004 [REDACTED] CH2M Hill Professional Services- Flexible Contract- Water Treatment- Provide summaries of potential health effects for various treatment options, assist in collecting and organizing tech information to be made available to the public on website, design web pages, specialized inspection services related to water treatment, such as inspection of chemical tank interiors and hazardous-area ventilation systems.

Consultant Joe Glicker moved from Montgomery, Watson, Harza Global (MWH) to CH2M Hill in 2006; consultant contracts followed him to CH2M Hill.

2007 [REDACTED] 2010 CH2M Hill LT2 related UV Radiation Plant pre-design work *hidden* under "Water Main" Flexible Service contract. Providing unfair insider advantage for larger UV design contract.

2009 [REDACTED] 2012 CH2M Hill LT2 Powell Butte II Buried Tank Design (J. Glicker handled Powell Butte 2003 land use with requirement that any tank built must be started by 2013.)

2009 [REDACTED] (end date unknown) CH2M Hill LT2 Bull Run source water "Variance Track" contract (Conflict of interest - CH2M Hill working on both "build" track and alternative "variance" track.)

March 2010 [REDACTED] Oct., 2013 (3.5 year contract) MWH LT2 Kelly Butte buried storage tank --as Mt Tabor reservoir replacement.

May 2010 [REDACTED] Dec. 31, 2014 (4.5 year contract) CH2M Hill LT2 Bull Run Watershed UV Radiation Treatment Plant Design

2010 [REDACTED] 2013 CH2M Hill Flexible Service contract project list undisclosed; includes SS for public relations

For background details on cozy consultant contract history see: <http://www.friendsofreservoirs.org/background.html>

Other major capital projects not noted here have flowed to the same consultant/corporation. The community has not been allowed to determine what goes into the PWB's Capital Program;

In almost every case above, Public Involvement, if any at all, took place only *after* corporate contracts were awarded.

Dec. 2010