

ACTION TAKEN & MOTIONS LU 14-218444 HR EN Mt Tabor Reservoirs

5-28-2015 Hearing continued to 6-25-2015, 2:00 pm.

Written testimony open until June 11, 5pm.

6-25-2015 hearing continued to 7-15-2015, 9:30 am.

Council motion 7-15-2015

Motion to amend Condition B and delete Condition E, and tentatively grant in part and deny in part the appeals of the Water Bureau and the MTNA; affirm the Historic Landmarks Commission's decision to approve the application for Historic Resource Review and Environmental Review with modifications; and direct staff to prepare findings for Council adoption: Moved by Fish and seconded by Saltzman.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fish, Fritz, Novick, Saltzman, Hales.

Disposition:

**TENTATIVELY GRANT IN PART AND DENY IN PART
THE APPEALS AND UPHOLD THE HISTORIC LANDMARKS
COMMISSION'S DECISION WITH MODIFICATIONS;
PREPARE FINDINGS FOR AUGUST 19, 2015
AT 11:00 AM TIME CERTAIN**

Council motion 8-19-2015

Motion to adopt findings: Moved by Fish and seconded by Fritz.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fish, Fritz, Novick, Saltzman, Hales.

Disposition:

FINDINGS ADOPTED

AGENDA ITEM 837:

TIME CERTAIN: 11:00 AM – Appeal of Portland Water Bureau and Mt. Tabor Neighborhood Association against Historic Landmarks Commission’s decision to approve with conditions a proposal to disconnect the Mt. Tabor Reservoirs from the public drinking water system at Mt. Tabor Park located at 6325 SE Division St (Findings; Previous Agenda 763; LU 14-218444 HR EN) 5 minutes requested

**COUNCIL FINDINGS AND DECISION WILL BE
DISTRIBUTED ON TUESDAY, AUGUST 18, 2015.**

7-15-15 Submitted by David Shaff

**FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION
RENDERED ON February 9, 2015**

CASE FILE NUMBER: LU 14-218444 HR EN

PC # 14-118276

Mt. Tabor Reservoirs Disconnection

Proposed amendments:

Amended Condition B (clean version):

Following the completion of the disconnection, Reservoirs #1, #5, and #6 must continue to hold water between 50%-85% of capacity, which is the range accepted to produce the sites' characteristic iconic views. Periods outside of that range must be kept to a minimum. The reservoirs must be maintained and cleaned and the City shall use its best efforts to manage the reservoirs so that three out of the four reservoir basins will be kept full (as close to 85% as possible) while the fourth is being drained, cleaned and refilled. The reservoirs may be emptied (partially or fully) for brief periods, as necessary, to address system operational requirements, to maintain security, regulatory compliance, or for safety concerns. Any proposal to permanently remove visible water from the site, as required in the preceding sentences, will require a follow-up land use application.

Amended Condition B (showing changes):

Following the completion of the disconnection, Reservoirs #1, #5, and #6 must continue to hold water ~~within the normal historic operating range for each reservoir, which is 50% to 75%~~ between 50%-85% of capacity, which is the range accepted to produce the sites' characteristic iconic views. Periods outside of that range must be kept to a minimum. The reservoirs must be maintained and cleaned and the City shall use its best efforts to manage the reservoirs so that three out of the four reservoir basins will be kept full (as close to 85% as possible) while the fourth is being drained, cleaned and refilled. The reservoirs may be emptied (partially or fully) for brief periods, as necessary, to address system operational requirements, to maintain security, regulatory compliance, or for safety concerns. ~~The reservoirs shall not be partially or fully emptied for more than 60 days total, either consecutive or non-consecutive, within a calendar year, except in emergency circumstances.~~ Any proposal to permanently remove visible water from the site, as required in the preceding sentences, will require a follow-up land use application ~~to be reviewed by the Historic Landmarks Commission.~~

Delete Condition E:

~~The City of Portland shall formally adopt the May 2009 Mount Tabor Reservoirs Historic Structures Report and fully implement the short- and long-term restorative recommendations and maintenance therein, including removal of non-historic elements, such as light fixtures and conduit, and restoration of the contributing resources of the Mt. Tabor Park Reservoirs Historic District by December 31, 2019.~~

July 15, 2015

Moore-Love, Karla

From: Adam, Hillary
Sent: Monday, June 08, 2015 10:55 AM
To: Adam, Hillary
Cc: Moore-Love, Karla
Subject: Washington Park Reservoirs - Final Findings moved to June 25th

Hello,

You are receiving this email because you provided testimony on land use case LU 14-249689 DM – Washington Park Reservoirs Demolition Review.

Please note the date of the adoption of the Final Findings and Decision of City Council on this matter has been moved from June 10th @ 2:00pm **to June 25, 2015 @ 2:00pm.**

~Hillary

Hillary Adam
Design & Historic Resource Review Team
Bureau of Development Services
1900 SW 4th Ave, Suite 5000
Portland, OR 97201
p: 503.823.3581

IMPACT STATEMENT

Proposal: Appeal of Approved Type III Historic Resource Review and Type II Environmental Review for Mt. Tabor Reservoirs Disconnection

Contact name: Hillary Adam, Land Use Services

Contact phone: 503-823-3581

Presenter name: Hillary Adam

Purpose of proposal and background information:

This is a quasi-judicial action. The Portland Water Bureau is proposing alterations to the Mt. Tabor Reservoirs as a result of their proposed disconnection from the public drinking water supply in response to the EPA's LT2 regulations which require all providers of public drinking water to cover or treat open reservoirs at the point of discharge. The proposal was approved with conditions (7-0) by the Historic Landmarks Commission (HLC). The conditions included: a requirement to maintain historic water levels for aesthetic purposes allowing brief periods of emptiness, development of an interpretation program, procurement of an archaeological assessment, and adoption and implementation of the 2009 Mt. Tabor Reservoirs Historic Structures Report (HSR) to serve as a preservation plan, with all short- and long-term restorative recommendations to be completed by December 31, 2019.

The Water Bureau (PWB) appealed the decision, accepting the majority of the findings and conditions, but objecting to language in Condition B limiting empty periods to 60 days per calendar year except in emergency circumstances, and objecting to Condition E regarding adoption and implementation of the HSR.

The Mt. Tabor Neighborhood Association (MTNA) appealed the decision stating that the Bureau of Development Services (BDS) failed to require identification of legal lot boundaries, that Conditional Use Review requirements were not addressed, and that the record lacks sufficient evidence demonstrating the historic character will be retained.

Financial and budgetary impacts:

- Please consult the Portland Water Bureau regarding long-term financial impacts of the proposal.

Community impacts and community involvement:

This land use proposal is site-specific to a limited area of Mt. Tabor Park. However, some members of the public have expressed concern that the proposal to bury the City's drinking water reservoirs will affect the quality of the drinking water which potentially has broader implications for areas served by the buried reservoirs on the east side of the City. Public notices were mailed and the site was posted indicating the initial hearing date and information on opportunities to testify or submit comments.

- The project site is located in the Mt. Tabor neighborhood and this will be the neighborhood most impacted by the proposal.
- The MTNA has expressed concerns regarding a history of neglect by the PWB and the lack of a preservation guarantee for the future. The HLC shared the concerns of the public

regarding prior neglect and the future preservation of the reservoirs and associated structures. The HLC and the MTNA agreed that reversibility of the project and retention of water at historic levels are key aspects to the project's ability to meet the approval criteria.

- MTNA expressed frustration that the process provided minimal opportunities for public comment and that the decision to disconnect was made without public input.
- Many members of the public testified in opposition to the proposal, suggesting the City should continue to fight the EPA's LT2 regulations which are currently under review with an expected completion date no later than 2016, citing exorbitant expenditures on public works projects that may prove to be unnecessary if the regulations are revised or repealed.
- The Commission also expressed concerns regarding the environmental cost of water held (and periodically emptied) for the purpose of maintaining historic character in light of a changing climate and increased probability of drought, but still felt that the presence of water in the reservoirs was essential to the retention of historic character.
- The HLC's condition of approval "E" will result in positive impacts including retention of the historic character of the reservoirs and the park as well as restoration of the historic resources which will help ensure their continued preservation and honor the legacy of the 120-year service provided by these structures. While this would result in increased expenditure of public funds, the Commission noted that the City should lead by example in the preservation of historic resources owned by the City, and that this preservation work is due.
- Testimony is expected primarily in opposition.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount