

Moore-Love, Karla

From: floy jones <floy21@msn.com>
Sent: Wednesday, April 22, 2015 12:20 PM
To: Council Clerk – Testimony; Moore-Love, Karla; Adam, Hillary
Subject: WashingtonPark Reservoir Demolition Review City Council
Attachments: Chet Orloff letter regarding reservoir security.doc; WashParkResolution06.13.06.pdf

Three attachment documents submitted for the record City Council Washington Park Reservoir Demolition Review Hearing, April 23, 2015.

1) Historian Chet Orloff's letter to City Council on June 21, 2006 responsive to the presumption that the Water Bureau had abandoned ("stillborn:") plans to demolish open reservoirs. Council passed a resolution supporting opening up the reservoirs to public access. The **BDS staff report inaccurately reports that the reservoirs have been closed off to the public due to liability.** This letter and the Council resolution took place six months after the EPA LT2 regulation was finalized.

2) June 13, 2006 Washington Park Resolution to open up the reservoirs to the public, repair infrastructure at Washington Park- brought to Council six months after the LT2 rule was finalized.

"WHEREAS, the Water Bureau Budget includes upgrade and augmentation of security infrastructure and utility infrastructure repair at Washington Park"

BE IT FURTHER RESOLVED that the Portland City Council recognizes the value of the Water Bureau's efforts to strengthen its relationship with the community it serves.

3) June 13, 2006 City of Portland Press release on Washington Park upgrades and site access- BDS staff report inaccurately reports that the reservoirs are closed off to the public.

"Allowing them more access to the site gives the Water Bureau many more eyes and ears to detect potential threats. We have clearly benefited from a similar approach at the Mt. Tabor reservoirs and throughout the system."

June 21, 2006

Dear Mayor Potter and Commissioners Sten, Saltzman, Leonard, and Adams:

I regret that I was unable to stay to testify this morning on behalf of the Water Bureau's plans for security at the reservoirs.

Commissioner Leonard and Bureau staff described an excellent solution to security, a plan that not only provides better protection, but much improves both access to parks and parks aesthetics. As the chair of the Parks Board and of a committee three years ago that spent long and painful hours developing a still-born plan to cover the historic reservoirs, I am proud to know that Water Bureau staff have created this new plan. They deserve citizens' praise and recognition. And special thanks to Commissioner Leonard for his leadership on this front.

I would have added the following two points to my presentation this morning, had I been able to stay:

- I would encourage Water Bureau staff to work closely with Parks Bureau staff in developing site plans for reservoirs in parks. They may already be doing so, but, if not, it would seem to make sense.
- Finally, as a historian of our city, I would like to put forward the idea of greater historical interpretation of the reservoirs with some permanent, on-site exhibit boards that would be mounted adjacent to them, presenting information and images about the history of the reservoirs, the story of our great water system, and the history of our parks system. In addition to the presence of security staff who can offer some information to visitors, such interpretation would more thoroughly inform citizens of, and deepen everyone's pride in, these great assets. Just a thought....

My compliments to all and appreciation for your support of the Water Bureau's fine efforts.

Good wishes,
Chet Orloff
Chair, Portland Parks Board

Chet Orloff.
Director, Pamplin Institute.
Adj. Professor, Urban Studies & Planning, PSU.
Principal, Applied History Associates/Museum of the City.
Director Emeritus, Oregon Historical Society.

Resolution No.

Approve the Water Bureau's Security Initiatives at Hazelwood, Washington Park, Texas St., N. Vernon Tanks, and Bull Run Watershed.

WHEREAS, the Portland City Council agreed to collaborate on Infrastructure initiatives; and

WHEREAS, the Water Bureau Security personnel have developed a security plan for the City's water system; and

WHEREAS, the Water Bureau owns several properties where a mutual benefit between the public and the City can be shared; and

WHEREAS, the Portland Water Bureau has recently acquired property with a structure at the entrance of the Bull Run Watershed which will house a Ranger who will interface with the surrounding community to provide a secure perimeter around the protected watershed of Portland's source water; and

WHEREAS, the proposed 2006/07 Water Bureau Budget reflects the addition of 6 security specialists who are more highly trained than contract staff utilized in past years; and

WHEREAS, the Water Bureau Security Plan calls for 24 hour staffing at Washington Park by trained Water Bureau Security Specialists; and

WHEREAS, the Water Bureau Budget includes upgrade and augmentation of security infrastructure and utility infrastructure repair at Washington Park; and

WHEREAS, the Water Bureau Security Plan calls for an expansion of the bureau's practice of utilizing citizens within neighborhoods adjoining the reservoirs for "passive security" purposes; and

WHEREAS, the community served by the reservoirs at Washington Park have a keen interest in the security of the reservoirs; and

WHEREAS, water utilities around the country are embracing their communities as a security resource for sensitive facilities through programs like the American Water Works Association's "Water Watchers" and others; and

WHEREAS, the Water Bureau Security Plan calls for public access to the areas around Reservoir 3 during daylight hours to increase activity around the reservoir and deter wrongdoing; and

WHEREAS, the Water Bureau Security Plan calls for public access to the areas around the Hazelwood Test Well facility; the Texas Street Tanks, and the Vernon Tanks; and

WHEREAS, the public can enjoy a mutual benefit while engaging in activities which serve the public good; and

WHEREAS, employing the public as a security element is a well established, effective practice that the Water Bureau has implemented at its facilities at Mt. Tabor, and will implement at Hazelwood Test Well, Texas Street Tank, and Vernon Tank, and on the perimeter of the Bull Run Watershed; and

WHEREAS, the connection between the public and its water utility can be strengthened through these initiatives;

NOW, THEREFORE, BE IT RESOLVED that the Portland City Council supports the Water Bureau's security initiatives at Washington Park, Hazelwood, Texas Street Tank, Vernon Tank, and at the entrance to the Bull Run Watershed as described in the Water Bureau Security Plan; and

BE IT FURTHER RESOLVED that the Portland City Council recognizes the value of the Water Bureau's efforts to strengthen its relationship with the community it serves.

Adopted by the Council,

Commissioner Randy Leonard
Ty Kovatch
June 13, 2006

GARY BLACKMER
Auditor of the City of Portland
By
Deputy

Parsons, Susan

From: Mark Bartlett <bartlett.m@comcast.net>
Sent: Wednesday, April 22, 2015 7:53 AM
To: Moore-Love, Karla; Council Clerk – Testimony; Mark Bartlett
Subject: Washington Park reservoirs 3 and 4 demolition LUR
Attachments: Washington Park deeds and map.pdf; Washington park landslide.pdf; PWB defines reservoirs to SHPO.pdf; Mt Tabor property from Dan Coombs.pdf

4-21-15

Karla,
Please add these docs and comments to the file for the public record.

1) Park ownership Total acres 201.72

According to property control records dated March 12, 1974 there are 44 individual parcels in the park. (See attached deed records and files)

These are owned by two City bureaus Parks (PPR) and Water (PWB) respectively.

PWB has made application to demolish reservoirs 3 and 4 on approximately 3.5 of those acres, but on multiple parcels.

During the application process BDS required PWB to consolidate parcels for the application.

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

Consolidation cannot involve real property assets of these two dissimilar bureaus according to opinions of the City attorney . General funds and water funds cannot be commingled.

See attached memo from Dan Coombs to Kessler dated 3 Oct 2002 for analysis and deed research of PWB owned parcels City attorney Rogers in a memo to Bud Clark dated 3-9-90 discusses that water fund assets must remain with PWB and not be commingled in either direction with non water fund assets. Citation of City attorney (81-44, 82-150, 88-165)

See also City Charter chapter 11-104 water fund.
<http://www.portlandonline.com/auditor/index.cfm?c=28941>

Deeds have been found restricting use by the donor to exclusively park use. BDS did not research as it must, the deeds on which the proposed work is to take place.

2) Consolidation of parcels or lots

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.

Further, Portland title 33.675.030 addresses consolidation of 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.

If a new plat exists it would be a dated, numbered in sequence, and recorded plat held with the County. BDS must require this act and resulting map to be the legal map of record in this application.

PWB does not have any reason to feign ignorance of the issue of title, deed restrictions, or responsibilities to inventory and submit proper documentation of these records to the auditors office. As applicant they bear the burden of proof in submitting to BDS correct and accurate information.

BDS must rigorously check the veracity of this information before determining the application is compliant and complete.

It appears that neither party was diligent in meeting these standards of proof in this LUR.

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.

3) Need for more storage?

Reservoir 6 has been out of use since 2010 with its 75,000,000 gal capacity not required to meet City needs.

PWB proposes to take res 3 and 4 offline for 4 years eliminating that capacity as well while serving it customers.

Why do they need to build additional capacity or storage in its place if they do not require it during those 4 years. Where is the margin of safety during the 4 years and if it can be met without, then why saddle ratepayers with the costs.

4) Slide problem

The slide area under Res 4 has long been known and over time been stabilized to some degree. Part of that stabilization is the reduction / elimination of water into the soils most subject to movement.

A disturbance to construct and alter the soils and conditions would increase the potential for additional vulnerability to slides and endanger those homes below this area.

The prosed 30,000 truck trips adds to this likely destabilization in that the vibrations would certainly add a factor to the destabilization of the underlying soils.

Add docs

Permitting Strategy Document

<http://friendsofreservoirs.org/resources/Final_Permitting_Strategy.pdf>

[_https://vimeo.com/125300646_](https://vimeo.com/125300646)

Thank you,
Mark Bartlett

Parks

January 20, 1964

Bureau of Parks

Department of Finance

Commissioner Ormond R. Bean

Water Bureau and Park Bureau property ownerships in Washington Park

Dear Commissioner Bean:

Transmitted herewith is a plan indicating Water Bureau and Park Bureau property ownerships in Washington Park.

Water Bureau Reservoir No. 3 and a portion of Reservoir No. 4 are on Park Bureau property.

The Rose Garden, Japanese Garden, Railroad Depot, parking area, picnic area, tennis courts, and some other heavily used facilities maintained by the Park Bureau are on Water Bureau property.

It is suggested that it might be to the mutual advantage of both bureaus if an exchange could be effected which would transfer the land to the jurisdictions actually operating the respective facilities.

The area shown in crosshatched red is suggested Water Bureau to be transferred to the Park Bureau, and area in crosshatched green is Park Bureau to be transferred to the Water Bureau.

If such a transfer could be made, the Park Bureau would agree, if necessary, to submit for approval of the Water Bureau any plans for work which would alter the contour or drainage in the area.

Very truly yours,

Superintendent of Parks

HBB:mg

Washington Park Properties
(Park Bureau Assigned)

27

BURROUGHS CORPORATION
TODD COMPANY DIV. - L
Form H-559
Jeddy

Deed No	Acquired From	Date	Cost
1 360	Amos N. King	2-20-1891	32,624. ⁰⁰
2 535	Multnomah County	10-14-1948	4,235. ⁵⁸
3 2683	Jeanette N. Swasey & Harold B. Swasey	10-8-1929	1,830. ⁰⁰
4 3333	Anna M. Riddell, et vir	6-23-1937	4,000. ⁰⁰
5 3534	Sigae Elder & Iver Elder	6-19-1937	5,080. ⁷⁶
6 3456	Frank McCauley & Lena McCauley	2-21-1940	1. ⁰⁰
7 3820	First National Bank of Portland	6-9-1941	39. ⁰⁰
8 4165	Multnomah County	7-22-1947	200. ⁰⁰
9 5223	"	1-4-1951	3,925. ²²
10 5324	P.C. Rinchart & V. Craig Rinchart	7-1951	1,301. ⁵¹
11 5819	Isabella Seaman	9-22-1952	2,028. ⁷³
12 6763	Assessment Collection Fund	2-24-1937	18,397. ⁶⁴
13 9001	" " "	11-19-1927	13,090. ⁷⁰
14 9004	" " "	5-21-1921	2,329. ⁰⁷
15 9008	" " "	9-22-1928	77. ⁵⁸
16 9011	" " "	5-29-1920	2,329. ⁰⁷
17	TOTAL		\$ 92,129. ⁸⁶

Washington Park Properties
(Water Bureau Assigned)

23 135	Leander Lewis & wife	6-14-1901	1,000. ⁰⁰
24 274	James A. Munday	9-25-1893	450. ⁰⁰
25 280	L. F. Grover, et al	2-16-1892	21,000. ⁰⁰
26 284	The King Real Estate Association	10-12-1894	10,000. ⁰⁰
27 294	C. A. Ladd, et al	9-13-1894	7,184. ³¹
28 301	L. F. Grover & wife & Rachel L. Hawthorne	3-30-1900	27,708. ⁴⁷
29 302	The King Real Estate Association	3-9-1900	32,955. ⁷⁵
30 303	W. J. Hawkins, Trustee, et al	5-13-1901	4,000. ⁰⁰
31 307	S. W. Aldrich & wife	1-12-1900	317. ⁵⁰
32	TOTAL		\$ 104,816. ⁰³

XERO COPY

XERO COPY

XERO COPY

XERO COPY

Jan 11-1964

March 25, 1964

MEMORANDUM

Washington Park

March 23, 1964

Number of acres in Washington Park (Park Bureau Property) which the Water Bureau is using.

Reservoir #3 site covers approximately	2 acres
Reservoir #4 site covers approximately	<u>1 1/2</u> acres
Total	3 1/2 acres

Number of acres in Washington Park (Water Bureau Property) which the Park Bureau is using.

Park facilities (Tennis Court, Rose Test Garden, Japanese Garden, etc.)	64.22 acres
Less space used for reservoir #4.	<u>3.00</u> acres
Total	61.22 acres

Approximately 61.22 acres of Water Bureau property used by the Park Bureau.

M E M O R A N D U M

ORDINANCE #917:

January 4, 1871

Purchase for Public Park purposes from Amos N. King 40 acres of land bounded on the N by Barnes Road, S by Canyon Road and A. N. Kings S boundary claim line, and E by lands owned by Mefsr Green.

ORDINANCE #977:

March 22, 1871

Payment for a piece of ground for a Public Park in the sum of \$32,624.00 bought of Amos N. King.

ORDINANCE #11177:

April 11, 1899

Authorizing the Committee on Health and Police to purchase and acquire lands and buildings to be used for a hospital for persons affected by contagious diseases and authorizing the said committee to furnish the same.

ORDINANCE #11535:

March 21, 1900

An Ordinance to institute proceedings to condemn for the use of the City certain land.

ORDINANCE #55856:

January 23, 1929

Authorizing the transfer of Lots 1 and 2, Block 11, Arlington Heights from the custody of the Delinquent Tax Committee of the City to the Bureau of Parks, authorizing payment therefor.

ORDINANCE #57285:

September 25, 1929

Authorizing the purchase of certain property needed for extending Washington Park, providing for payment therefor.

ORDINANCE #61842:

December 9, 1931

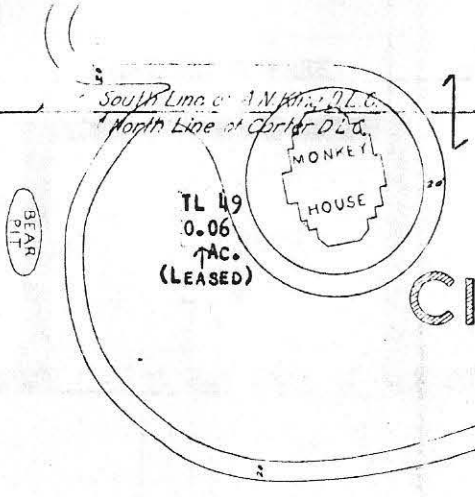
Repealing Ordinance No. 36671, entitled, "An Ordinance authorizing the purchase or condemnation of certain lands in Parkside for park and playground purposes, and declaring an emergency", passed by the Council January 22, 1920.

ORDINANCE #69692:

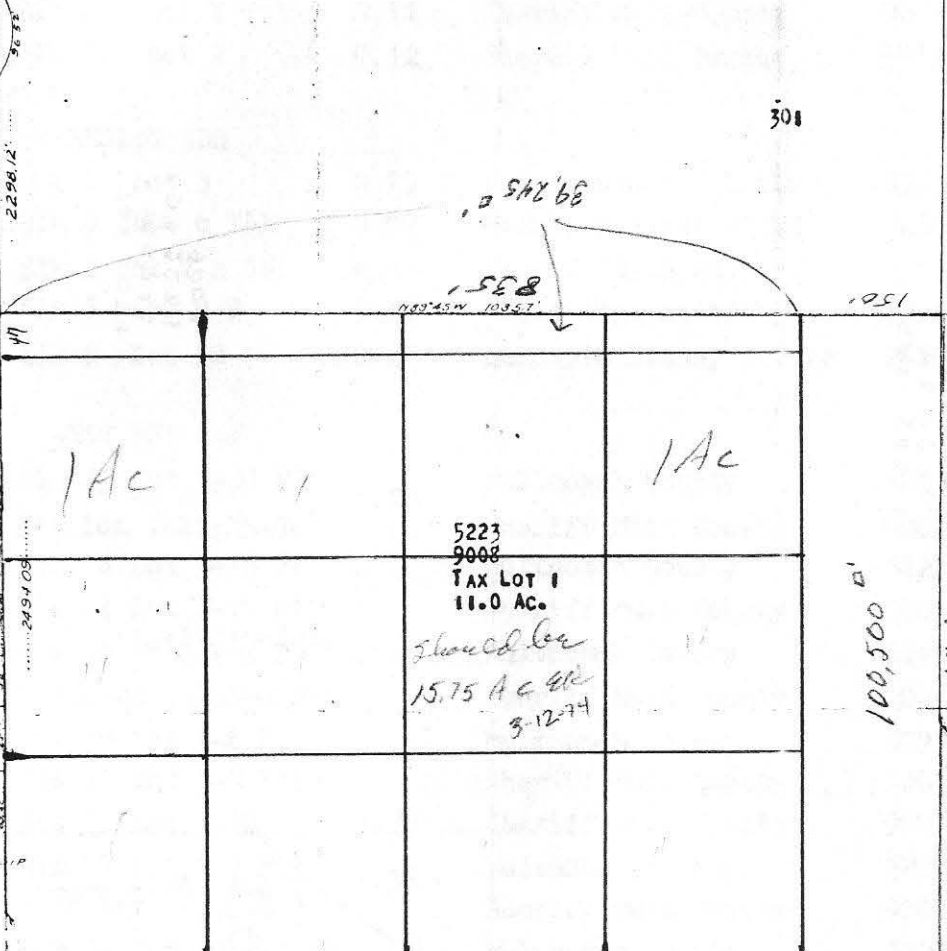
June 16, 1937

Providing for settling a case for damages by Anna M. Riddell against the City of Portland, No. 120704, and Signe Elde against the City of Portland, et al, No. 120705, acquiring certain property for park purposes.

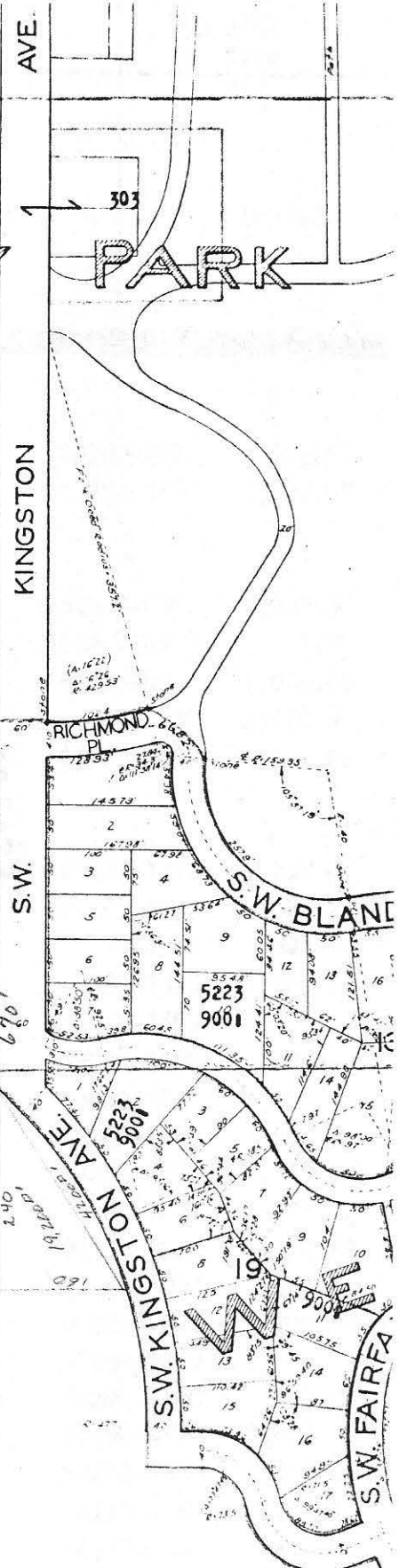
4
8585
Carter Claim Corner
MOUNTAIN BRIDGE
DRIVE
DRIVE
ASCADIA
S.W. BLANK
S.W. KINGSTON AVE
S.W. FAIRFAIR



CITY PARK



5223
9008
TAX LOT 1
11.0 AC.
Shoreland
15.75 AC 4R
3-12-74



5819
TAX LOT 10
2.0 AC.

6763
TAX LOT 2
43.02 AC.

N.W. L. Carter D.L.C.

S. W. EVERGREEN TERR
S. W. CASCADE TERR

TAX LOT 10
2.00 AC.
D# 5819

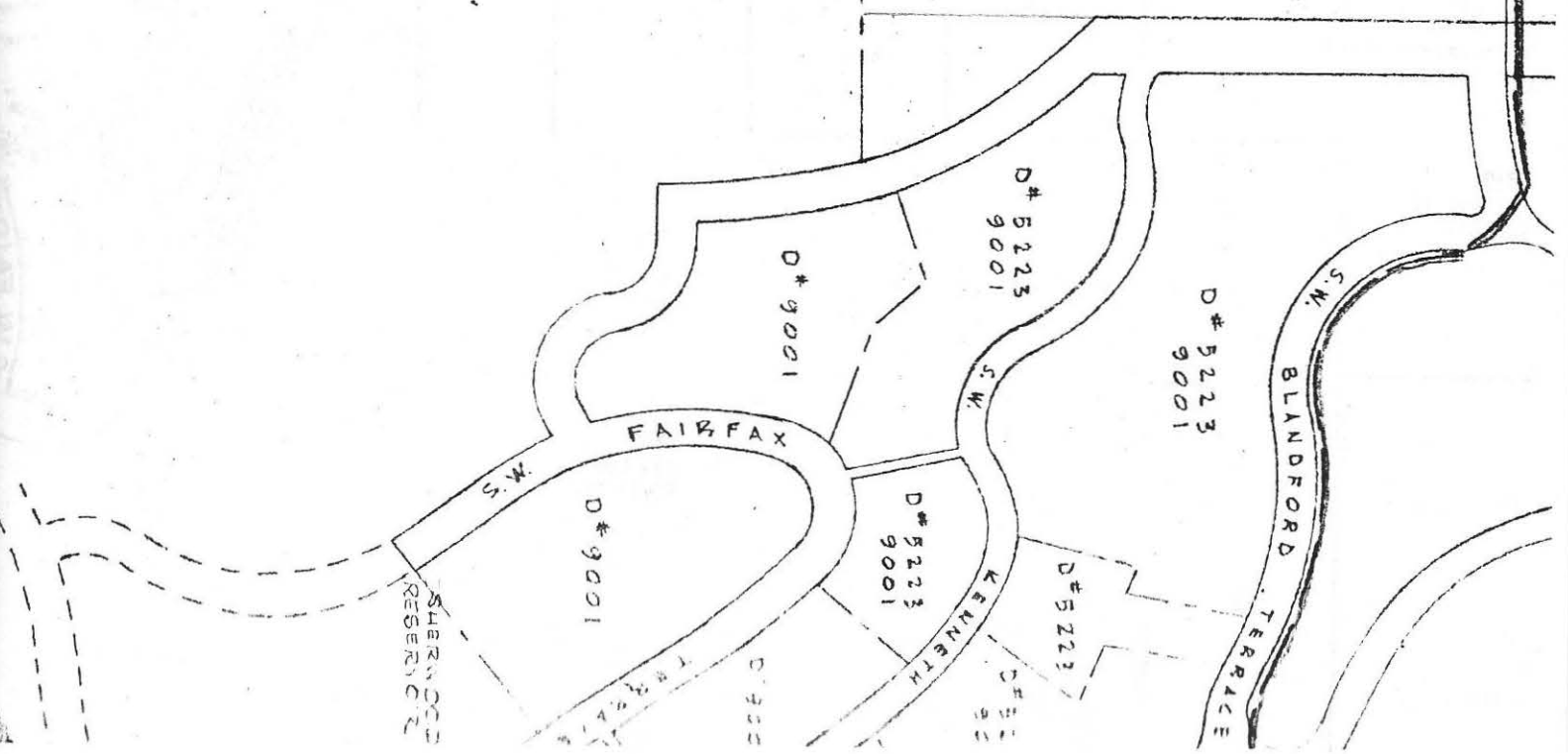
680"

1" = 200'

TAX LOT 1
11.00 AC.
D# 9223
9008

980"

TAX LOT 2
43.02 AC.
D# 6763



March 12, 1974

JV #	DESCRIPTION	AREA (Acres)	VENDOR	DEED #	A/C #	AMOUNT
	ARDMORE ADD					
144	Blk 2 Lot 8-10	0.32	1st Nat Bank of Ptld	3820	03520-0310	39.00
	ARLINGTON HEIGHTS					
145	Blk 11 Lot 1	0.11	Sheriff Mult County	9004	03750-2670	2,329.07
146	Blk 11 Lot 2	0.12	Sheriff Mult County	9011	03750-2670	2,329.07
	PARKSIDE ADD					
147	Blk 2 Lot 3	0.29	P.C. Rinehart et vir	5324	64840-0380	1,301.51
148	Blk 5 Lot 6 TLL	0.02	Frank McCauley et ux	3456	64840-0930	1.00
149	Blk 5 Lot 7 E 35'	0.11	Anna Riddell et vir	3333	64840-0980	4,000.00
150	Blk 5 Lot 8-9	0.39	Signe Elde et vir	3334	64840-0980	5,080.76
151	Blk 5 Lot 10	0.20	Jeanette Swasey et vir	2683	64840-0980	1,830.00
	WEST END ADD					
152	Blk 13 Lot 1-30 Pt)	5.28	Multnomah County	5223	89280-1070	1,252.02
153	"13 Lot 1-21;25-32)		Sheriff Mult County	9001	89280-1070	2,084.44
154	Blk 14 Lot 1-16 Pt)	2.27	Multnomah County	5223	89280-1390	607.04
155	Blk 14 Lot 1-17 Pt)		Sheriff Mult County	9001	89280-1390	1,169.66
156	Blk 15 Lot 1-2;5-8 Pt) 3-4 All	1.03	Multnomah County	5223	89280-1560	379.40
157	" 15 Lot 1-2;5-8 Pt)		Sheriff Mult County	9001	89280-1560	381.69
158	Blk 16 Lot 1-8 Pt)	1.40	Multnomah County	5223	89280-1640	303.52
159	Blk 16 Lot 1-8 Pt)		Sheriff Mult County	9001	89280-1640	567.35
160	Blk 17 Lot 1-10	1.37	Sheriff Mult County	9001	89280-1720	1,389.15
161	Blk 18 Lot 1-3 Pt)	1.36	Multnomah County	5223	89280-1820	113.82
162	" 18 Lot 1-3;4-8 Pt) All		Sheriff Mult County	9001	89280-1820	1,022.89
163	Blk 19 Lot 1-7;9-10)	2.51	Multnomah County	5223	89280-1900	341.41
164	Blk 19 Lot 1-17 Pt)		Multnomah County	9001	89280-1900	1,797.83
165	Blk 20 Lot 1-12 ALL	1.57	Sheriff Mult County	9001	89280-2070	1,654.02
166	Blk 21 Lot 3	1.85	Multnomah County	5223	89280-2190	75.87
167	Blk 21 Lot 1-2;4-14		Sheriff Mult County	9001	89280-2190	1,826.79
168	Blk 22 Lot 1-8	1.32	Sheriff Mult County	9001	89280-2330	1,196.88
169	TL4 Sec33 1N 1E Pt	0.40	Leander Lewis et ux	135	94133-0040	1,000.00
170	TL4 Sec33 1N 1E Pt)	1.22	James A. Munday	274	94133-0040	450.00
171	TL4 Sec33 1N 1E Pt)		C.A. Ladd et al	294	94133-0040	7,184.31
172	TL4 Sec33 1N 1E Pt	3.99	L. F. Grover, et al	280	94133-0040	21,000.00
173	TL4 Sec 33 1N1E Pt	2.38	King Real Estate Assn	284	94133-0040	10,000.00
174	TL4 Sec33 1N 1E Pt	34.18	L. F. Grover et al	301	94133-0040	27,708.47
175	TL4 Sec33 1N 1E Pt	20.87	King Real Estate Assn	302	94133-0040	32,955.75
176	TL4 Sec33 1N 1E Pt	0.90	W.J. Hawkins et al	303	94133-0040	4,000.00

JV #	DESCRIPTION	AREA (Acres)	VENDOR	DEED #	A/C #	AMOUNT
177	TL4 Sec33 1N1E Pt	0.23	S.W. Aldrich et ux	307	94133-0040	517.50
178	TL4 Sec33 1N1E Pt	40.78	Amos King et ux	360	94133-0040	32,624.00
179	TL17 Sec4 1S1E	12.34	Multnomah County	4451	99104-0170	4,235.58
180	TL78 Sec4 1S1E	0.05	Multnomah County	4165	99104-0780	200.00
181	TL1 Sec5 1S1E)	15.75	Multnomah County	5223	99105-0010	852.14
182	TL1 Sec5 1S1E)		Sheriff Mult County	9008	99105-0010	717.58
183	TL2 Sec5 1S1E	43.02	City of Portland	6763	99105-0020	18,397.64
184	TL10 Sec5 1S1E	2.00	Isabella Seaman	5819	99105-0100	2,028.73
ARLINGTON HEIGHTS						
AND REPLAT						
2625	Blk 2 Lot 7-10	0.51	J. O. Stendal et ux	8545	03750-0390	1.00
2626	Blk 3 Lot 1-2	0.28	J.O. Stendal et ux	8545	03750-0470	1.00
2627	Blk 4 Lot 1-8	1.30	J.O. Stendal et ux	8545	03750-0510	1.00
TOTAL AREA -		201.72 Acres	TOTAL COST		\$ 196,948.89	
1973 ASSESSED VALUE - \$ 1,813,320.00						

Know All Men by These Presents, That ANNA M. RIDDELL and
 ALEXANDER G. RIDDELL, her husband,
 of Multnomah County, State of Oregon,
 in consideration of Ten (\$10.00) Dollars,
 and other valuable considerations,
 to them paid by THE CITY OF PORTLAND, a Municipal Corporation
 of the
 State of Oregon have bargained and sold and by these presents do grant, bargain, sell and
 convey unto said THE CITY OF PORTLAND, a Municipal Corporation,
 its successors, heirs and assigns, all the following bounded and
 described real property, situated in the County of Multnomah, and State of Oregon:

The East Thirty-five (35) feet of Lot Seven (7)
 in Block Five (5) PARKSIDE, in the City of Portland,
 said County and State, according to the duly recorded
 map and plat thereof, (for park purposes and upon the
 condition and understanding that said property shall not
 be used for the construction of any building thereon,

(No US M. Statute)
Required

together with all and singular the
 tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also
 all their estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD, the above described and granted premises unto the said

THE CITY OF PORTLAND,

its successors, heirs and assigns forever. And Anna M. Riddell and
 Alexander G. Riddell, her husband,

grantors above named do covenant to and with

THE CITY OF PORTLAND,

the above named grantee, its successors, heirs and assigns that they are
 lawfully seized in fee simple of the above granted premises, that the above granted premises are free
 from all incumbrances,

and that they will and their heirs, executors and administrators,
 shall warrant and forever defend the above granted premises, and every part and parcel thereof,
 against the lawful claims and demands of all persons whomsoever.

Combs, Dan

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

Dennis;

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

1. WATER/PARKS LAND EXCHANGE SITES.

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

2. MAPPING WATER'S LEGAL PARCEL BOUNDARIES.

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

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

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

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

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

(e) Water's "Design file" printed on 03/07/1997. This map overlays site improvements as of 1996-97 on the Partition Plat No. 1997-85 "Parcel 1" and "Parcel 2" boundaries. From this map it can be seen the extent of Parks' use of Water's parcel. The east line of Parcel 2 (east boundary of Water's property) runs through Parks' more eastern building closest to SE Division.

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

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

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

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

4. PROJECT APPROACH TO MT. TABOR PARCEL OWNERSHIP.

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

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

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

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

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

Water Bureau is controlled by applicable language of the City Charter, specifically Section 11-104 of Chapter 11, which reads:

"Section 11-104. Funds.

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

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

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

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

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

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

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

7. RECOMMENDED ACTIONS.

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

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



CITY OF
PORTLAND, OREGON
BUREAU OF WATER WORKS

Dan Saltzman, Commissioner
Morteza Anoushiravani, P.E., Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204
Information (503) 823-7404
Fax (503) 823-6133
TDD (503) 823-6868

May 28, 2003

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

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

Dear Mr. Hamrick:

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

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

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

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

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

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

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

July 23, 1960

Mr. Mark A. Grayson
Commissioner of Utilities
City Hall
Portland, Oregon

Dear Buck:

You have heard of the tune the farmer sang to his old cow: "Consider good cow, consider." Call me a farmer if you like, rated as a Water Works engineer, but I would like to offer something for your consideration, neglecting for the nonce, what it will take to accomplish what I have in mind.

I gather from a recent report that Mr. Anderson kindly allowed me to peruse, that if Reservoir No. 4 cannot be abandoned a half measure solution would be to partition off a northerly segment of the basin and fill it with earth, and thus save the recurring cost of repairs to the lining where it ruptures. This is welcome news to anyone who may be interested in a suitable entrance to the Park at the head of Jefferson Street and a better way to the higher levels that Reservoir 4 during all of its history has obstructed to a degree. But until the Park Bureau came into legal possession of the adjoining tax delinquent Grover property thirty years after the reservoirs were given place, an access road for the Grover area was played down. It is only recently, or since the Zoo has been reestablished in a grand manner in Hoyt Park, and since the Foothill Freeway has had its route fixed, that the proposition of such a drive could be justified.

Through all of the years that I was in a position to observe the operations of the Water Works I have known of the lack of ample storage in connection with and supplementing capacities of Reservoirs 3 and 4, with never a natural site for it at requisite elevation. I have indulged a fancy that it might have proven wiser back in '98 to build a substitute arrangement for Reservoir 4, by niching into the firm formation south of the existing ground and fill this unit, all but a forebay to the gate chamber, with the spoil, along lines suggested in this recent report on what to do now, rather than to have bought a moving mountain to fool with, then.

But I can rejoice that the Bureau of Parks got a chance to embroider a generous piece of ground in a desirable location that probably might never have reflected a better use value than as a public rose garden. The moving mountain is still crowding; the linings of the reservoir are still buckling; the need for storage becomes more and more demanding; the five-acre Grover era baseball field, now used by a few archers who may as well be accommodated elsewhere, is still available, terra firma, standing at some 30 feet higher than the overflow level of Reservoir 3. Anyway, one cannot oversimplify the factoring reasons. The head of the Bureau of Parks as late as 1925, when confronted with a forced-out move of the Zoo, built a monkey house on Round Top, the peak of the slide, knowing full well that it was not the right place for it. I will have some more comment relating to Round Top. I think something can be done with it that will help to stabilize the slide.

July 28, 1960

"City Park", originally 40 acres, was purchased from the Donation Land Claim owner in 1871. By 1901 the City had acquired a supplemental 60 acres to contain both reservoirs and encompass the slipping real estate bearing on them. In 1909 the combined 100 acres was named Washington Park. In 1922 Multnomah County transferred the title to the deserted Poor Farm and Pest House to City Park inventory; and circa 1948 all of the remaining vacant land between Washington Park and Hoyt Park and the Canyon Road was taken in to comprise a public property; all told some 427 acres. In the pioneer sector are the Lewis & Clark Monument, the Coming of the White Man and the Sacajawea statues. Beside the two main Westside reservoirs, the area has been featured by notable recreational and scientific facilities including the Zoo, the Hoyt Arboretum, the Oregon Museum of Science & Industry, the International Rose Test Gardens & Shakespeare Garden, a Pitch & Putt Golf Course, and the Sherwood Archery Field replacing the defunct ball field. A Japanese Garden, and amplified picnic and playground areas are contemplated. In a word, it is the principal Park of the City of Roses.

We need not here go into a discussion of the sliding mountain, how come by, and of cause and effect of the earth movement. The story will be found with the subject thoroughly covered in the records of your Bureau of Water Works. It may be interesting to recall however, that prior to the establishment of the Bull Run water supply in the early 90s, the Zoo, such as it was, had occupied the ravine in which Reservoirs 3 and 4 were placed. Not long before L. F. Crover et al had terraced a considerable stretch of what later was recognized as sliding ground, as a development for residences, and to serve it, ran a cable street car line up from Jefferson Street and north along Kington Avenue. When he heard that construction of the Reservoirs in the ravine was to push the "wild animals" up on to higher ground, and closer to his high class real estate development, he addressed a protest to the City Council. The next move of the Zoo about 1925 was to Round Top still higher. The move resulted from protests of residents who had in the interim come to dwell hard by. When the City got the makings of a respectable Zoo, which has recently been put into operation in Hoyt Park, it was given generous marginal space to obviate objections from resident neighbors.

Round Top at the head of the sliding ground is 2000 feet west of its toe at the end of Jefferson Street. The slide situation can be likened to a lady's foot in a high heeled slipper of the fashion that is open at the toe; the heel corresponding to Round Top, and the toes jammed into the narrowed gap in the canyon wall of Tanner Creek, where Reservoir 4 must needs withstand the converged thrust of the surcharge. Let us recognize that although the movement has been controlled, a constant menace still exists. The continuing rupture of the reservoir linings is not a good sign toward a permanent cure. It is conceivable that a giant land slide could be triggered by a spell of protracted heavy rains such as doused the territory north of Seattle not long ago, followed closely by an earthquake of greater severity than was experienced hereabouts in April 1949 when many chimneys were toppled. Without attempting to equate the stresses and strains and the timing of such act of God, I humbly dub: were I a denizen of Goose Hollow I would trust that God would be more merciful, just in case, if Round Top had been reduced to the level of Kington Avenue, and Reservoir 4 had been filled with rock ballast.

July 28, 1960

You see I have some fond notions, not to call them ideas, that to my mind, are worthy of serious consideration or reconsideration at this time. I modestly suggest that the feasibility of developing a multimillion gallon reservoir storage be analytically investigated. My offhand guess is that the ultimate solution might be worked out in a series of subterranean galleries chambered under the ballfield south of Reservoir 4, or under the Monument Hill in old City Park, as an augmented supply attaching to Reservoir 3; either or both; and programmed on a projected time-table schedule. I understand the Park Bureau's planning for the Grover sector from which the "wild animals" have recently been evacuated, is right now on the drafting boards.

All of this when you shall have found the answers, is bound to cost money and/or ~~time~~; I say bound to. But you have talent aplenty in the City Hall to diagnose and prescribe for the chronic foot ills of your lady-clipper, as well as combined conundrums concerning the Bureau of Parks. Needs no Wise Man from afar to reckon the score and outline a methodical program designed to meet the demands now and in the offing that surely are to be faced. If history repeats itself to the dolorous pitch of 1892 and 1932, ways and means will be found to alleviate unemployment. On the other hand if the boom spiral is to continue to advance for an extended spell, the City's credit should rationally underwrite its more essential public works, more especially its vital water supply.

Say I am dreaming of happy endings, admittedly expensive although not necessarily extravagant if worked out in rational program. As I see it, the pressing needs that sooner or later will be met are in four items:

1. Curing the long standing troubles of Reservoir 4.
2. Providing for adequate storage capacity linked with Reservoir 3. Possibly in an ultimate scheme Reservoir can be eliminated or reduced to an appendix, and the basin of ~~the~~ filled with rock to serve as a weighted plug in the gap in the buttress at the toe of the land slip.
3. A park drive to lead directly to the south end of Kingston Avenue from a Jefferson entrance and incidentally serve the Grover sector.
4. Better access to the lower border of the Ross Garden and Theatre, together with generous parking space for autos.

Altogether, a set of major operations in two major Bureaus to set down figures for.

Very truly yours,

Charles Paul Keyser

CPK:em
CC to Commissioner Bean

Moore-Love, Karla

From: elizabeth callison <eacallison@gmail.com>
Sent: Tuesday, April 21, 2015 5:49 PM
To: Council Clerk – Testimony
Subject: Council Clerk: 04/21/15 City Council Hearing

Date: April 21, 2015
To: Portland City Council
From: Elizabeth Callison
For the Record of Today's Hearing

Regarding: Council Agenda Item: Demolition of Washington Park Reservoirs

I oppose demolition of the Washington Park reservoirs for several reasons:

- 1) Traffic impacts from construction and construction vehicles during reservoir demolition will harm neighbors' and tourists' enjoyment of Washington Park and its Rose Garden. These impacts will include: excessive noise, dust, and other disturbances to the normally quiet Washington Park and its surrounding community.
- 3) Proposed expenditure for demolition is too high in comparison to its small benefit, or detriment, to the city. Moreover, the reservoir demolition project is of low priority to the taxpaying public.
- 4) Destruction of various cultural resources related to the reservoirs, and potential destruction of natural resources such as wildlife habitat associated with the reservoir's surrounding trees and other established vegetation.

Thank you.

Moore-Love, Karla

From: ian <iankeeber@gmail.com>
Sent: Monday, April 20, 2015 11:55 PM
To: Council Clerk – Testimony
Subject: Washington Park Demolition

I am against the demolition of the Washington Park resevoirs. This project is completely unecessary. It's proposed \$76 million cost needs to be allocated to far better uses.

Ian Keeber

Moore-Love, Karla

From: Catherine Klebl <cataphonic@gmail.com>
Sent: Monday, April 20, 2015 11:50 AM
To: Council Clerk – Testimony
Subject: Washington Park Demolition

To whom it may concern.

Please, do not spend a lot of our taxpayer money on demolishing the Washington Park Reserviors. They are a beautiful and unique feature of Portland and should be kept intact. And the open air reservoir has many health benefits for our community.

The EPA is set to revise LT2 in 2016. We would be fools to not wait on that ruling before spending hundreds of millions we don't have, destroying our elegant historic resources, and creating public health hazards in the process. Other cites in the US have been allowed to postpone, so should we!

Thank you,

Catherine Klebl

Moore-Love, Karla

From: Adam, Hillary
Sent: Monday, April 20, 2015 12:55 PM
To: Moore-Love, Karla
Subject: LU 14-249689 DM - Washington Park Reservoirs Demolition Review
Attachments: The Portland Alliance Panel votes not to bury reservoir.pdf

Karla,

Could you please forward this email and attachment to City Council and their assistants?
The email is already in the record as Exhibit F-16, which everyone should have.

The attachment, although related to Mt. Tabor Reservoirs, should be included as part of Exhibit F-16.

Thank you,
Hillary

Hillary Adam
Bureau of Development Services
p: 503.823.3581

From: Dee White [mailto:deewhite1@mindspring.com]
Sent: Sunday, March 29, 2015 6:22 PM
To: Adam, Hillary
Subject: LU14-249689DM Demolition Review for WA Park comment for HLC March 30, 2015 meeting

Historic Landmarks Commission
March 30, 2015

Re: CASE FILE:LU14-249689DM(PC# 14-139549)
Demolition Review for Washington Park Reservoirs
#3 and #4 and the Weir Building

Comment from:
Dee White
3836 SE 49th
Portland, OR

The Zoning Code Approval Criteria on page 6 references the Historic Resource Review section 33.445.330, titled Demolition of Historic Resources in a Historic District. This reads:
Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The Review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

This opportunity for the community **has never taken place**. The Water Bureau made the decision to demolish the reservoirs behind closed doors. The public was NEVER given any

meaningful opportunity to consider alternatives to demolition. One of the reasons for this proposal to demolish is to address the LT2 rule. This federal regulation, which is in review until 2016, requires that all public water systems that store water in open reservoirs must either cover the reservoirs or treat the reservoir discharge. There is no demolition alternative. **The public has never been allowed to weigh in on the either of the alternatives that would preserve the reservoirs until the LT2 review is completed in 2016.**

In 2003 the City created the Mt Tabor Independent Review Panel for the purpose of reviewing the options for meeting this same LT2 rule and keeping the reservoirs secure. It was created in response to the massive amount of criticism for the lack of public participation in the decision to bury the reservoirs at Mt Tabor and WA Park. In the **attached report** from Dave Mazza, who was a member of this 13 member panel, you can read about the panel's findings and the final vote AGAINST burying the reservoirs.

So, essentially, in 2004, once all of the facts were brought to light, much of it by the public, and presented to the independent panel, the panel voted not to move forward with the burial.

This of course, did not please the City and the Water Bureau. And this is exactly what the Water Bureau and the City want to avoid with this proposal now to demolish the reservoirs at WA Park. Cover and treat has been pushed aside behind closed doors.

A treatment option was never presented to the public for consideration. The City has always maintained that treatment would be impossible or too expensive, but these were only sound bites. The public process was never allowed to question these assertions, never mind provide meaningful consideration to the Water Bureau. The other alternative, that is putting covers on the EXISTING metal framework on the reservoirs at WA Park, thus "covering" the reservoirs until the LT2 review comes out in 2016, was never considered because the City KNOWS that if they HAD allowed the public to be at the table in this decision and subsequent application, they, the City and the Water Bureau, most likely, would have not been able to move forward with the demolition before 2016. The Water Bureau does not want anyone except themselves and their appointed cheerleaders at their decision-making table.

The goal of Citizen Involvement for the demolition decision, including consideration of the alternatives, has NOT BEEN MET.

The HLC should reject this application until a meaningful public process has taken place, and a good place to start would be to have another independent panel consider all of the alternatives that could delay demolition and finally, preserve our historic reservoirs.

Thank you.



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Panel votes not to bury reservoir

In an 8-5 decision, the Mt. Tabor Reservoirs Independent Review Panel chose to enhance security and water quality monitoring rather than adopt a reservoir burial plan that may cost the city as much as \$200 million.

By Dave Mazza

Community members opposed to the proposed burial of three historic reservoirs scored another victory at the May 11 meeting of the Mt. Tabor Reservoirs Independent Review Panel. The 13-member panel split 8-5 in favor of increasing security and water quality monitoring at the century-old facility rather than move forward with plans to bury the reservoirs and build a "water feature" on top. The Water Bureau and its consultants pressed hard for the burial option during the 3-month process; however, it was a perceived lack of compelling problems, and concerns over cost that moved the panel to reject the Bureau's preference. Now it remains to be seen whether City Council will accept the findings of its own panel when the latter presents majority and minority reports at a June 8 work session.

The Portland City Council, at the request of Commissioner Dan Saltzman, created the Mt. Tabor Independent Review Panel last February for the purpose of reviewing options for meeting pending EPA water quality rules and keeping the reservoirs and infrastructure secure. Saltzman created the panel in response to growing criticism of the lack of public participation in the decision to bury the reservoirs. Grassroots groups like Friends of the Reservoirs were raising the visibility of the issue, putting direct pressure on Saltzman as well indirect pressure from more influential city figures who were concerned about the Friends' claims.

The options given to the 13-member panel (see sidebar) included reservoir burial, a water treatment facility, relocating stored water to Mt. Scott, and mitigating risk through enhanced monitoring and security. Eventually, another option calling for low tech approaches to water quality and security put forward by Friends of the Reservoirs was added to the list of options under consideration. The panel had 90 days to make a recommendation to the council. Recommending no action was not an

The Majority Report

At the May 11 meeting of the Mt. Tabor Reservoirs Independent Review Panel, panel members determined that there would be no consensus around any single option. Instead, majority and minority reports were developed for presentation to the City Council in June.

The majority of panel members found:

- Water quality in Portland is very good and meets all current federal regulations;
- There is a very low risk that a terrorist act would harm the City's water supplies;
- Vandals can access the water supplies, but are not likely to introduce an agent that would undermine the health of system users;
- Water rates are expected to rise steadily over the next decade, well ahead of the rate of inflation;
- Water usage in Portland is declining;
- There is no current federal

option.

Facilitators from EnviroIssues and technical consultants from McQuire Environmental Consultants assisted the panel. The panel's executive committee, with the full panel's approval, retained both firms.

Starting in early March, the panel met weekly for presentations from the consultants, public testimony and deliberation. Power Point presentations on the city's water system, public health risks to the water supply and security filled most of the two-hour — later expanded to three-hour — sessions. From the first session, tension existed between panel and staff over the choice of information and how it was being presented. The consultants showed a graph measuring the growth of certain bacteria in the reservoirs, but it took

repeated questioning before the consultant admitted this organism caused the water to be discolored but posed no risk to human health. In another instance, panelists were presented with data on how a small amount of a hazardous compound could render an entire reservoir contaminated. What was not mentioned, again until after repeated questioning, was that the figures assumed the substance was fully mixed throughout the reservoir, something that would take days to occur.

The most disturbing aspect of how information was presented over the three-month process was the growing sense that some information was deliberately held back until its disclosure would have a maximum effect on the panel. Cost, identified early as information the panel felt important and needed, was rarely presented in a form that was easily understood. When the panel appeared ready to abandon the burial option, the Bureau introduced new cost data that showed the difference in long-term cost between burial and risk mitigation was a matter of a few dollars — an analysis many of the panel didn't believe. The panel was sandbagged a second time with the late release of information stating the reservoirs are not earthquake proof and that the cost of seismic upgrades would be very costly. Information provided by the Friends contradicted the level of risk from earthquake — Mt. Tabor is a low-risk island surrounded by much more vulnerable lowlands. Again, the majority of the panel rejected the attempt to impose seismic upgrade costs on some of the options.

An unexpected result of these methods was the polarization of the panel into the majority and minority viewpoints that eventually was represented the majority and minority reports presented to the City Council. There was some movement from the majority pro-risk mitigation faction to the minority burial faction following the introduction of the seismic

upgrade information, however, by the last meeting, it took little time for the entire group to agree there would be no consensus and that majority and minority reports should be written and submitted to the council (see sidebar).

or state regulation requiring that reservoirs be buried;

- New federal regulations are in development, but are not yet complete. They could impact many aspects of the Portland water system, not just Mt. Tabor, but are not expected to ban open reservoir systems; and
- The reservoirs are a critical part of the history and character of Mt. Tabor Park.

The majority recommended:

- The City Council should adopt a risk mitigation strategy to ensure the safety and quality of drinking water supplies at Mt. Tabor Park;
- Since a specific mitigation plan was not provided in the Council resolution, a risk mitigation plan will need to be determined and considered by the public prior to City approval;
- A risk mitigation strategy should preserve the historic character of Mt. Tabor Park and adhere to the Mt. Tabor Masterplan;
- The City Council should revisit this issue in the future, potentially when new federal rules are finalized, or state rules enacted;
- Deferred maintenance at the reservoirs and elsewhere in the water system should be reviewed, and work completed where it is necessary to maintain the integrity of the reservoirs and the water delivery system;
- Potential changes to Mt. Tabor should not be considered in isolation. Rather, the City should

The split decision was a clear victory for Friends of the Reservoirs. They had out-organized the Water Bureau, always prepared with more compelling data to inform the panel and rebut consultant presentations. Despite efforts to limit their involvement in the process, the group soon became the reliable source of information for some panelists. Even though their option was eventually dropped, many of the features of the Friends' proposal were included for consideration in a final mitigation plan.

With a favorable council vote not absolutely certain, the Friends of the Reservoirs are not slowing down after this victory. They will be mobilizing for the upcoming council hearings. They are also re-filing an initiative to require a public vote on major water projects they had not been able to circulate during the review.

While there's no question this is a major setback for Saltzman and the Water Bureau, there's no reason to count them out yet. The Bureau has shown itself determined to get its way on this issue. Firms like Montgomery Watson Harzon — the employer of former Portland Water Bureau chief engineer Joe Glicker — that developed the burial proposal the City Council approved in the spring of 2002 are also unlikely to walk away from lucrative contracts.

Even should the council vote end the burial issue for now, the real fight isn't over. Viewed as one of the moneymakers in the city, the Water Bureau has enjoyed hands-off treatment for years. The result is an insularity and resistance to intrusions by "outsiders" that runs contrary to the democratic process or to effective government. Short of changing our current form of city government — a step progressives seem unready to embrace at this time — democratizing the bureaucracy seems the logical next step. The creation of a public water board to oversee the Water Bureau could certainly be such a step, and started with a demand for a full public audit of the Water Bureau.

But for now, it looks likely the historic Mt. Tabor reservoirs will be serving Portlanders' physical and spiritual needs through another century.

Dave Mazza is editor of The Portland Alliance. He was one of the members of the Mt. Tabor Reservoirs Independent Review Panel.

The Mt. Tabor Reservoirs Independent Review Panel

<i>Portland Water Bureau Commissioner Dan Saltzman selected the following people to serve on the panel the City Council created to review options for the Mt. Tabor Reservoirs. How the member voted is indicated by "majority" or "minority."</i>	Bill Glaze Oregon State University; minority	Gary Oxman Multnomah County Health Department Health Officer; minority
	Dave Mazza The Portland Alliance; majority	Frank Ray Public Utility Review Board; majority
	Sandi McDonough National Energy & Gas Transmission; majority	Jim Spitzer Multnomah County Department Emergency Preparedness Manager;
Ogden Beeman (Panel Chair) Independent maritime	Steve March State representative Dist. 46; majority	minority

consider all upgrades necessary as a result of any new regulation in a holistic manner, calling upon experts and community representatives to assist the city in devising a plan that meets regulatory requirements, maintains safe and reliable water supplies and assures long-term affordability of the City's water services; and

- Rate impacts should be minimized.

For more information about the full report, see www.portlandonline.com or www.friendsofreservoirs.org

consultant; **minority**

Eilen Brady
EcoTrust; **majority**

Vanessa Gaston
Urban League; **majority**

Stefenni Mendoza Gray
Oregon Council for Hispanic
Advancement; **majority**

Tiffany Sweitzer
Real Estate; **majority**

Tom Walsh
Tom Walsh Construction;
minority

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The Portland Alliance 2807 SE Stark Portland, OR 97214

Questions, comments, suggestions for this site contact the webperson at website@ThePortlandAlliance.org

Last Updated: July 22, 2004

Moore-Love, Karla

From: Brenna Mcdonald <brenna.mcdonald@gmail.com>
Sent: Monday, April 20, 2015 11:24 AM
To: Council Clerk – Testimony
Subject: Washington Park

To whom it may concern,

I am writing to express my opposition to the planned demolition of the Washington Park Reservoirs. This costly and unnecessary project is also illegal. If PWB ratepayers intend to build projects on land owned by city taxpayers, it needs to compensate the public. Most importantly, these reservoirs work really, they are historic and delicious and shouldn't be destroyed for profit.

Thank you for your consideration,
Brenna McDonald
4327 SE 25th Ave Portland OR 97202

Moore-Love, Karla

From: Adam, Hillary
Sent: Monday, April 20, 2015 10:17 AM
To: Moore-Love, Karla
Subject: FW: Washington Park LU file
Attachments: Chet Orloff letter regarding reservoir security.doc

Karla,

Attached is a letter submitted into the record (LU 14-2496809 DM – Washington Park Reservoirs) by Floy Jones. Please forward to City Council and their assistants.

Thank you,
Hillary

Hillary Adam
Bureau of Development Services
p: 503.823.3581

From: floy jones [mailto:floy21@msn.com]
Sent: Thursday, April 16, 2015 1:12 PM
To: Adam, Hillary
Subject: RE: Washington Park LU file

Hi Hillary,

I have a few more questions. Has the staff report sent to Council been modified since being present to the HLC? Can you send me a link to the document, please.
With regard to submitting further comments for the record can they be sent to the Clerk's office, Karla or Sue for the hearing or must they only be sent through BDS?

Attached is a 2006 letter submitted for the record from historian Chet Orloff to City Council when he believed the Water Bureau had abandoned demolition plans and was funding reservoir upgrades including the opening up of the reservoir property to the public (which has been the case since 2006), adding security, new wrought iron fencing, the grand stair case, and much more. I attended the Council session when the resolution addressing the Washington Park reservoir upgrades was brought to Council.

June 21, 2006

Dear Mayor Potter and Commissioners Sten, Saltzman, Leonard, and Adams:

I regret that I was unable to stay to testify this morning on behalf of the Water Bureau's plans for security at the reservoirs.

Commissioner Leonard and Bureau staff described an excellent solution to security, a plan that not only provides better protection, but much improves both access to parks and parks aesthetics. As the chair of the Parks Board and of a committee three years ago that spent long and painful hours developing a still-born plan to cover the historic reservoirs, I am proud to know that Water Bureau staff have created this new plan. They deserve citizens' praise and recognition. And special thanks to Commissioner Leonard for his leadership on this front.

I would have added the following two points to my presentation this morning, had I been able to stay:

- I would encourage Water Bureau staff to work closely with Parks Bureau staff in developing site plans for reservoirs in parks. They may already be doing so, but, if not, it would seem to make sense.
- Finally, as a historian of our city, I would like to put forward the idea of greater historical interpretation of the reservoirs with some permanent, on-site exhibit boards that would be mounted adjacent to them, presenting information and images about the history of the reservoirs, the story of our great water system, and the history of our parks system. In addition to the presence of security staff who can offer some information to visitors, such interpretation would more thoroughly inform citizens of, and deepen everyone's pride in, these great assets. Just a thought....

My compliments to all and appreciation for your support of the Water Bureau's fine efforts.

Good wishes,
Chet Orloff
Chair, Portland Parks Board

Chet Orloff.
Director, Pamplin Institute.
Adj. Professor, Urban Studies & Planning, PSU.
Principal, Applied History Associates/Museum of the City.
Director Emeritus, Oregon Historical Society.

Moore-Love, Karla

From: Adam, Hillary
Sent: Monday, April 20, 2015 9:48 AM
To: Moore-Love, Karla
Subject: Dissenting HLC Opinion Washington Park Reservoirs Demolition Review
Attachments: PHLC, Reservoir Evaluation final.docx

Karla,

Would you please forward the attached document to City Council and their assistants?

Attached is a letter from the one member of the Historic Landmarks Commission who had the dissenting opinion in the 3-1 vote to accept the staff report recommending approval of the application for demolition of Reservoirs #3 and #4 and the Weir Building in the Washington Park Reservoirs Historic District.

~Hillary

Hillary Adam
Bureau of Development Services
p: 503.823.3581

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

From: harris [mailto:matarazzolawfirm@gmail.com]
Sent: Sunday, April 19, 2015 5:22 PM
To: Adam, Hillary
Subject: Harris Matarazzo RE: PHLC

Hilary,

attached to this email you will find Mr. Matarazzo's letter regarding the Reservoir. I will also be coming by your office tomorrow morning between 9:45-10:15 to give you a hard copy as well. Please let me know once you have received this email.

Regards,

-Amanda

--
Amanda Wirta
Assistant to Harris Matarazzo
121 SW Morrison, Suite 1020
Portland, Oregon 97204-3140
Ph#: (503) 226-0309
Fax: (503) 226-4290



City of Portland
Historic Landmarks Commission

1900 SW Fourth Ave., Suite 5000 / 16
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

April 17, 2015

Hon. Charlie Hales, Mayor and Portland City Council Members
Portland City Hall
1221 SW 4th Avenue
Portland, OR 97204

RE:LU 14-249689 DM (PC#14-139549)
Demolition of Washington Park Reservoirs Nos. 3 and 4

Dear Mayor Hales and City Council Members:

On March 30, 2015, a majority of the four attending Portland Historic Landmarks Commission (PHLC) members voted to support the demolition of Washington Park Reservoirs 3 and 4, as well as the associated Weir Building. As the lone dissenting Commissioner, I was invited to explain my opinion in a document containing the majority decision, which was to be forwarded for your consideration. Unfortunately, my written comments were not included in the Commission's April 13, 2015 letter. That document was most recently provided to you on April 16, 2015. As PHLC is tasked to supply you with advice in historic resource demolition matters, the purpose of this correspondence is to provide the Council with the basis of my opinion, and in my own words.

As a result of my review of the written and oral evidence presented at the hearing, in my opinion, Applicant Portland Water Bureau (PWB) did not meet its burden to support the demolition of Reservoirs 3 and 4. This opinion is based upon the following:

- 1) "It is without question that the Washington Park Reservoirs, along with the Mt. Tabor Reservoirs, are among the City of Portland's most significant historic resources." (BDS staff report presented to PHLC, p.15);
- 2) The City of Portland has determined that it must comply with federal mandates to cover open reservoirs. As such, Reservoirs 3 and 4 shall be disconnected from Portland's water distribution system. Federal law does not require "demolition" of the resource;
- 3) The Water Bureau (PWB) is tasked with the delivery of clean water to the residents of Portland, not in maintaining historic sites. (March 30, 2015 PHLC Hearing);

- 4) As evident in its name, the creation of the “Washington Park Reservoirs Historic District” was premised upon the existence of the reservoirs themselves. (March 30, 2015 PHLC Hearing) Demolition would significantly alter the area’s desired character;
- 5) The Reservoirs are located on a fault which runs through Portland’s West Hills. Upon demolition and removal of the historic resource, the Applicant will install a new water containment vessel within the same general location. Although it is anticipated that the replacement will have greater structural integrity than the existing resource, it too is unlikely to survive a significant seismic event. A resulting release of water, whether directly from the vessel or via the damaged, unmodified, water distribution network will occur. (March 30, 2015 PHLC Hearing) Under these circumstances, demolition of the historic resource in a known seismic area, in order to accommodate another, expensive, vulnerable replacement in the same location, seems ill-advised, and not supportive of the cited goals for removal;
- 6) Evidence presented indicated that the existing reservoirs are located in an active, although slow moving, landslide area. Because of this movement, which has occurred since construction in 1894, ongoing mitigation is required. However, this problem will not be solved if the existing resource is removed. Upon its demolition, a buried replacement will be installed in the same location. This too will require continuing mitigation efforts. (BDS staff report, p. 18; PWB testimony);
- 7) Testimony received from the Water Bureau indicated that it periodically drains the Reservoirs for extended periods of time, and has the existing capacity to provide water to the City without them. The lengthy construction period to replace the historic resource is premised upon this capacity. As such, the Reservoirs could be disconnected and retained in place, while other non-seismic and active landslide sites, if needed, are either expanded or developed to provide for the City’s water needs within new federal mandates. The historic resources could then be restored as an aesthetic destination within Washington Park. This could include the reduction of the depth of each bowl, allowing only a few feet of water to be retained;
- 8) Although originally constructed as both a utility and aesthetic destination for citizens, through longstanding neglect, the Reservoirs have deteriorated and are essentially no longer accessible by residents. The substantially deteriorated condition of the resource, resulting during the Applicant’s many years of stewardship, is being cited as one reason to demolish it. (March 30, 2015 PHLC Hearing) However, no evidence was presented that once improved or restored, the Water Bureau would better maintain the remaining, non-demolished, historic artifacts;
- 9) The proposed demolition of Reservoirs 3 and 4 was described as a loss of only two of eleven contributing resources at the site. The Reservoirs however, are the primary resource, and comprise virtually the entire location. Given their status as “one of Portland’s most significant historic resources” their demolition must be carefully considered. Similar to the ancient aqueducts of Rome and the Venetian canals, the Reservoirs were constructed to provide both beauty and utility. Destruction of the aqueducts (even though no longer used as a water source) or canals, for replacement by more modern systems, would be unthinkable. To remove the Reservoirs under the circumstances proposed, and leave mere small, associated, remnants or interpretive materials, would be inappropriate. In this context, the remaining objects would have little meaning.

Unlike the Portland Historic Landmarks Commission, Portland City Council has previously determined that it has substantial discretion in establishing how to balance applicable comprehensive plan goals and policies. (See LU 09-171259 DM/ Demolition Review of Kieran Building) Even if the Commission had such authority though, my opinion would remain unchanged. The best of government leads by example. Periodically, the Commission has to deny citizen requests to alter the exterior of their homes, even if the proposed modification appears relatively minor. In my opinion, to allow the Water Bureau to demolish one of the City's "most significant historic resources" under the circumstances presented is not warranted, and arguably demonstrates that government does not hold itself to the standards it sets for its citizens. In so doing, the value of our public, and privately held, historic resources are compromised.

While the Applicant's proposed replacement project is an attractive one, in my opinion it cannot justify approval of the requested demolition. The project, if approved, would be constructed in a known landslide zone and require ongoing maintenance. The existing reservoirs have been deemed as among Portland's most historic resources. The Water Bureau has the capacity to remove the resource from its delivery system. No evidence was presented to indicate that the non-demolished resources would be better maintained over time. In fact, the opposite view was better supported. Balancing the goal of the Applicant with the mandate of the Commission, I found the Applicant's proposal unpersuasive.

Thank you for your consideration of this minority view.

Very truly yours,

Harris S. Matarazzo, Commissioner
Portland Historic Landmarks Commission

HSM:mm

Moore-Love, Karla

From: Adam, Hillary
Sent: Monday, April 20, 2015 9:44 AM
To: Moore-Love, Karla
Subject: FW: Proposed Washington Park Reservoir Project Initial Land Use Review Application: City Council Hearing Scheduled for April 23, Public Comments Accepted

Karla,

Would you please forward this public comments below to City Council and their assistants?

Thank you,
Hillary

Hillary Adam
Bureau of Development Services
p: 503.823.3581

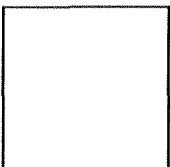
From: Elliott, Teresa
Sent: Thursday, April 16, 2015 11:50 AM
To: Adam, Hillary
Cc: Wochnick, Lindsay
Subject: FW: Proposed Washington Park Reservoir Project Initial Land Use Review Application: City Council Hearing Scheduled for April 23, Public Comments Accepted

Hillary, here's a public comment we received unofficially. I assume this person wants the comment in the record. Teresa

From: Sabrina Louise [<mailto:sabrinauumfe@gmail.com>]
Sent: Thursday, April 16, 2015 10:22 AM
To: Wochnick, Lindsay
Subject: Re: Proposed Washington Park Reservoir Project Initial Land Use Review Application: City Council Hearing Scheduled for April 23, Public Comments Accepted

Actually, this is totally unnecessary, as LT2 is up for review this year by the EPA. City council is fast tracking a project that isn't required to be fast tracked, and should have stood up for the people's desire to keep open reservoirs. SHAME on City Council for not working harder to represent the people.

Sabrina Louise
UUMFE Office Manager
503-595-9392



Proposed Washington Park Reservoir Project Initial Land Use Review Application:

City Council Hearing Scheduled for April 23, Public Comments Accepted



In order to comply with federal and state mandates, and ensure a healthy, resilient, and secure water system, the Portland Water Bureau is moving forward with a project to update the Washington Park reservoir site.

In December 2014, the Water Bureau submitted the first of two Land Use Review (LUR) applications (Type IV) to the City of Portland Bureau of Development Services (BDS) for the proposed Washington Park Reservoir Improvements Project.

The initial Type IV LUR application proposes the removal of the Weir Building (screen house), portions of lower Reservoir 4's basin, and upper Reservoir 3's basin in Washington Park. The gatehouses, dams, and other historic features will be protected and restored.

On February 9, BDS deemed the Type IV LUR application complete and issued a Request for Response, officially opening the public comment period and setting the dates for the Historic Landmarks Commission meeting (March 30) and the City Council Hearing (April 23).

Historic Landmarks Commission Meeting

On March 30, a public meeting was held before the Historic Landmarks Commission to review the Water Bureau's proposed Washington Park Reservoir Project Type IV Land Use Review (LUR) application.

During the public meeting, BDS presented the Staff Report and Recommendation, the Water Bureau discussed the project, and members of the public offered testimony.

Key Dates

April 23, 2015
City Council
Public Hearing

Spring 2015
Type III LUR
Application
Package Submittal

The Commission voted 3 to 1 in support of the initial LUR application and will forward their recommendation to the City Council.

City Council Hearing

A City Council hearing will be held on **Thursday, April 23 at 2 p.m.** in **City Hall Council Chambers at 1221 SW 4th Avenue, Portland, Oregon.** During the hearing, members of the public will be invited to offer testimony.

Public Comments

Public comments on the initial LUR application can be e-mailed to Hillary.Adam@portlandoregon.gov and Karla.Moore-Love@portlandoregon.gov, faxed to 503-823-5630, or mailed to:

Hillary Adam

Land Use Services, Bureau of Development Services

RE: LU 14-249689

1900 SW Fourth Avenue, Suite 4500

Portland, OR 97201

Please reference Land Use Review number **LU 14-249689** in any communications. Access a courtesy copy of the initial LUR application on the Water Bureau's project webpage at <http://www.portlandoregon.gov/water/wpreservoirs/LUR1>.

Project Details

The Water Bureau's Washington Park Reservoir Improvements Project proposes to build a new below-ground reservoir in the same general footprint as the existing upper Reservoir 3, with a reflecting pool on top.

The lower Reservoir 4 basin and the slope to the west are needed to provide landslide abatement; the slope will be restored to its pre-reservoir condition. Reservoir 4 will be disconnected from the public drinking water system and a lowland habitat area/bioswale and a reflecting pool are also proposed in the Reservoir 4 basin. Work will primarily be within the Historic District.

The project addresses major reservoir issues, including recurrent landslide damage, compliance with federal law, seismic vulnerability, and deterioration of the 120-year-old structures.

Next Steps

In spring 2015, the Water Bureau will submit a second LUR application package that includes two Type III applications. The LUR package will propose the construction of a new covered reservoir, reflecting pools, lowland habitat area/bioswale, walkways, and historic preservation and rehabilitation actions.

The second LUR application process will also include a comment period, public meeting, and hearing to ensure public notification and the opportunity to comment before a final land use decision is rendered. Before work permits are issued or construction begins, all LUR applications must be approved. This includes the initial Type IV LUR application and the Type III LUR application package.

The LUR applications are a result of a robust public involvement process that included multiple public open houses and nine Community Sounding Board (CSB) meetings that guided design for the required visible features of the Washington Park project.

Additional Information & Contacts

For detailed project information, visit the project webpage or contact Water Bureau Public Information staff by e-mail or at 503-823-3028.

Visit the Bureau of Development Services' website or call 503-823-7300 for more information on the land use review application process.

Thanks!

Lindsay Wochnick
Portland Water Bureau
1120 SW Fifth Avenue, Suite 600
Portland, Oregon 97204
Desk Phone: 503-823-3028

Cell Phone: 503-823-8409

lindsay.wochnick@portlandoregon.gov

Moore-Love, Karla

From: tana bobana <tee_leaves@yahoo.com>
Sent: Sunday, April 19, 2015 5:14 PM
To: Council Clerk – Testimony
Subject: Fw: Absolutely against WA Park reservoir demolition

On Sunday, April 19, 2015 5:12 PM, tana bobana <tee_leaves@yahoo.com> wrote:

Dear Mayor, Commissioners, and Staffers,

We are writing AGAIN to state our absolute opposition to demolition of our historic, functional and adequate water system. Please accept this input in lieu of public comment at the 4/23/15 hearing which we are unable to attend. The subject presented before City Council in this session is the demolition of Washington Park Reservoirs. In addition to LT2 compliance, the PWB cites concern for potential landslide, although experts have stated the ground is stable and that **construction only threatens to destabilize it**.

Regarding LT2 Compliance:

Demolition or elimination of open reservoirs is absolutely not required by the onerous EPA LT2 rule, a rule that is presently under review and revision thanks to Senator Chuck Schumer. One low cost alternative compliance option has already been financed by ratepayers - installation of the grillwork and liner for reservoir covers was installed by Water Bureau contractors at the Washington Park reservoirs in 2003. Covers were purchased for installation, but when the costly 2004 *Independent Reservoir Panel* reported that Portland's water quality was good and there was no reason to "treat or cover" Portland's open reservoirs the Water Bureau attempted to sell the purchased covers pennies to the dollar to a Bureau employee on E-bay. A secondary LT2 compliance option, one that would preserve the open reservoirs but has never been fully considered, is also available- "treatment at the outlet" (granted there is not Cryptosporidium requiring treatment and bacteria has been a significant problem at the Nevada covered tank). In 2004 the Water Bureau told Council this was a feasible option- since then costs have come down. Neither of these options are good but by far better than unnecessary demolition. The best option is to put these projects on hold while a deferral similar to Rochester's is secured.

The EPA is set to revise LT2 in 2016. We would be fools to not wait on that ruling before spending hundreds of millions we don't have, destroying our elegant historic resources, and creating public health hazards in the process. Other cites in the US have been allowed to postpone, so should we! Our elected representatives should be fighting TOOTH AND NAIL for this!!

Regarding landslide potential:

As was discussed at the HLC meeting digging will likely cause a landslide. Yes, the Washington Park reservoirs were sited in a historical landslide area. Movement has been insignificant in recent years as Scott Fernandez testified supported by Water Bureau documents. Even the 1996 100-year flood did not lead to a landslide. A PSU geologist (who is also a Water Bureau consultant) said in 2012 (when he was speaking on the geology of Mt. Tabor) that the Washington Park landslide area risk would likely continue to be low if there was no onsite digging. The Water Bureau confirmed on March 30 that their demolition project will cause landslide problems. This begged the next question why would you demolish assets then bury a tank and build water features in a landslide area that is compromised by digging?

So the Water Bureau intends on **demolishing Portland's irreplaceable historic reservoir treasures**, demolishing the well-functioning Washington Park reservoirs, demolishing **the** most significant historical features of the reservoirs (as described on March 30, 2015 by the Historic Landmark Commission- the basins and parapet walls). Public records review of the project plans and other Water Bureau documents confirm that storage at Washington Park is essentially unnecessary. This was confirmed by the Water Bureau at the March 30 Historic Landmark Commission meeting. The project lead Water Bureau engineer Teresa Elliott said that Washington Park will be without ANY storage for FOUR YEARS, as they intend on demolishing both Reservoir 3 and Reservoir 4 simultaneously. Four years with ZERO storage- demonstrating month after month and year after year that onsite storage essentially is not needed. The question was then asked by Commissioner Harris Matarazzo why would you demolish the historic open reservoirs when you acknowledge you don't need the storage. "Why don't you build elsewhere?" Engineer Teresa Elliott (the WB's reservoir disconnect/demoliton plan architect and one of the many WB employees in the \$100,000 club) refused to answer that most relevant question.

Again, public process has been woefully inadequate. Discussion of neighborhood impact has been neglected. This four year project anticipates 30,000 truckloads through surrounding neighborhoods and down Burnside. That's right - 30,000 TRUCKLOADS!! There has been no discussion about noise mitigation, worker parking, limited site access, and public safety.

In developing reservoir demolition plans the Water Bureau violated/defied the City Council *Independent Reservoir Panel* ordinance 36237 which mandated that they "utilize meaningful public process consistent with the City's adopted Principles of Good Public involvement, in future actions related to the open reservoirs".

The Water Bureau violated the 36237 ordinance requirement that mandated they bring together stakeholders (FOR has been acknowledged as stakeholders by the city and many community organizations since 2002) neighborhoods, the Park Bureau, Police Bureau and others to develop a plan if the "risk mitigation" option included in the draft EPA LT2 rule could not be met.

The Water Bureau's selected Washington Park Demolition *Sounding Board* excluded stakeholders and did not address let alone focus on the many alternatives to demolition. This listening board was very similar to the 2002 Mt. Tabor *What goes on Top* board and process wherein the public was told we could not discuss the water system only what happens after demolition.

The Water Bureau refused to answer Historic Landmark Commission question as to why unneeded storage could not be built elsewhere. The Water Bureau did not conduct an adequate alternate site analysis, rather they submitted a 13 year old site analysis document prepared by Joe Glicker's MWH Global.

Opportunity for public analysis following the adopted Principles of Public Involvement of the many alternatives to demolition was completely avoided even at the Historic Landmark Commission March 30 meeting when specifically asked about alternative siting of the unneeded storage.

And, like Mt Tabor Park, there are significant land ownership laws that are being brushed aside in the haste to get these corporate contracts underway. Both Mt Tabor and Washington Park consist of numerous different lots owned by either Portland Water Bureau (Ratepayers) or Portland Parks and Recreation (Taxpayers). Both projects have PWB doing work and building infrastructure on land owned by PPR. Yet, no transfers of deeds, consolidations, easements, or anything has been obtained or recorded. If PWB ratepayers intend to build projects on land owned by city taxpayers, it needs to compensate the public. To proceed with either project would be, in a word, ILLEGAL. It would be like digging your well on your neighbors property.... All parties involved know this, yet all are turning a blind eye.

Finally, there are many problems associated with eliminating the open reservoirs not the least of which is creating new and unique public health risks from cancer-causing Radon and Nitrification. Portland's secondary and lower quality water source the Columbia South Shore Wellfield has high levels of Radon. While Radon from the ground can be vented before it enters homes and businesses, Radon in the CSSWF water will enter homes every time water is used and without the open reservoirs their will no longer be adequate ventilation. EPA has long scientifically documented the covered storage cancer-causing problem of nitrification that occurs in the

absence of sunlight. The Water Bureau is already spending public resources on trying to address this nitrification problem now that the second, albeit poorly constructed (3200 cracks, leaking), Powell Butte tank is at least partially operational (unclear if the 2nd cell is operational).

Project price tag - we hear numbers ranging from \$76 million to \$80 million! Money desperately needed elsewhere.....

Needless to say, we strongly disapprove of the demolition of the Washington Park reservoirs in particular, and also the larger disconnection project as a whole.

Again: The EPA is set to revise LT2 in 2016. We would be fools to not wait on that ruling before spending hundreds of millions we don't have, destroying our elegant historic resources, and creating public health hazards in the process. Other cities in the US have been allowed to postpone, so should we! Our elected representatives should be fighting TOOTH AND NAIL to postpone, and NOT moving forward with these plans in the meantime!

Sincerely,
Tana & David Cahill
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