



## CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade  
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204  
web: [www.portlandonline.com/auditor/](http://www.portlandonline.com/auditor/)  
Email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)  
Phone: (503) 823-4086 Fax: (503) 823-4571



### NOTICE OF FINAL DECISION

TO: All Interested Persons  
DATE: July 20, 2011  
RE: LU 10-200954 CU AD

Appeal of Ashcreek Neighborhood Association against Hearings Officer's decision to approve with conditions the application of Tualatin Valley Water District and Garden Home Water District, property owner, for a conditional use to demolish two water tanks and replace with one water reservoir not to exceed 2 million gallon storage at 6217 SW Garden Home Road (Hearing; LU 10-200954 CU AD)

Enclosed is a copy of the Order of Council on LU 10-200954 CU AD denying the appeal of the Ashcreek Neighborhood Association and upholding the Hearings Officer's decision with conditions. If you wish to obtain a copy of the City Council's findings and conclusions, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF  
ASHCREEK NEIGHBORHOOD ASSOCIATION AGAINST HEARINGS OFFICER'S DECISION  
TO APPROVE WITH CONDITIONS THE APPLICATION OF TUALATIN VALLEY WATER  
DISTRICT AND GARDEN HOME WATER DISTRICT, PROPERTY OWNER, FOR A  
CONDITIONAL USE TO DEMOLISH TWO WATER TANKS AND REPLACE WITH ONE  
WATER RESERVOIR NOT TO EXCEED 2 MILLION GALLON STORAGE AT 6217 SW  
GARDEN HOME ROAD (HEARING; LU 10-200954 CU AD)**

**Applicants:** Mark Knudson, Chief Engineer  
Peter Boone, Project Manager  
Tualatin Valley Water District  
1850 SW 170<sup>th</sup> Avenue  
Beaverton, OR 97006

Garden Home Water District  
6217 SW Garden Home Road  
Portland, OR 97219-3140

**Applicants'**

**Representative:** Montey Hurley and Chris Goodell  
AKS Engineering and Forestry, LLC  
13910 SW Galbreath Drive., Suite 100  
Sherwood, OR 94140

**Site Address:** 6217 SW GARDEN HOME ROAD

**Legal Description:** TL 5700 0.35 ACRES, SECTION 19 1S 1E; TL 5600 0.30 ACRES,  
SECTION 19 1S 1E

**Plan District:** None

**Zoning:** R10: Single Dwelling Residential

**Land Use Review:** Type III, CU AD: Conditional Use and Adjustments

**Proposal:** Applicant, Tualatin Valley Water District ("TVWD"), operates a water reservoir and distribution facility at real property generally described as 6217 SW GARDEN HOME ROAD (legal description above-hereafter referred to as the "Site"). The other Applicant, Garden Home Water District, is the owner of the Site.

Currently located on the Site are two steel water tanks, each with the capacity of .5 million gallons ("MG"). One water tank was constructed in 1952 and the other water tank was constructed approximately ten years later. TVWD proposes to upgrade and redevelop the water tank facility at the Site by demolishing the existing water tanks and replacing them with a single 2 MG concrete reservoir. TVWD notes that the existing tanks are approaching 50 and 60 years old and do not meet current codes for seismic standards, nor do they contain an ideal amount of storage capacity to provide an adequate supply of water to the surrounding community.

The existing tanks are approximately 45 feet in height and the proposed concrete reservoir will be approximately 46 feet in height. The Site has a fenced compound around the two water tanks, with an open area to the southwest landscaped with low plants and shrubs with wide gravel pathways and public benches. The east and northern portion of the Site is landscaped with a relatively dense and mature border of sequoia trees. TVWD notes that a few of these trees will be removed to accommodate the improvements, but the majority will remain and be preserved.

At the time of the public hearing TVWD was requesting two Adjustments. Per Exhibits H.40b and H.48 TVWD now requests only one Adjustment. The remaining Adjustment, if granted, would allow vehicle access areas on the Site to remain in gravel rather than be paved with impervious asphalt.

This application triggers a Type III Conditional Use review due to the extent of the redevelopment of an existing conditional use in a residential zone. The requested Adjustment is reviewed concurrently.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4<sup>th</sup> Avenue on July 14, 2011 at approximately 3:00 p.m. At the conclusion of the public hearing and after hearing public testimony, Council voted 3-1 to deny the appeal of the Ashcreek Neighborhood Association and uphold the Hearings Officer's decision.

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 10-200954 CU AD** and by this reference made a part of this Order, City Council hereby denies the appeal of the Ashcreek Neighborhood Association and upholds the Hearings Officer's decision to approve with conditions a conditional use to demolish two water tanks and replace with one water reservoir not to exceed 2 million gallon storage at 6217 SW Garden Home Road.

## **DECISION**

**It is the decision of Council to deny the appeal by Ashcreek Neighborhood Association and uphold the approval of the Hearings Officer for:**

Approve:

- A Conditional Use to demolish two water tanks and replace with one water reservoir not to exceed 2 million gallon storage capacity consistent with Exhibits H.41, H.41a, H.41b, H.41c, H.41d, H.41e and H.41f.;
- An Adjustment to 33.266.130.D.1 to allow vehicle areas on site to remain in gravel;

subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 10-200954 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. In order to ensure that visual appearance remains similar to the existing facility, the new facility must utilize the same black finish on the existing chain link security fence and any new sections of security fencing must have the same black finish.

- C. Any plant materials that need to be substituted in lieu of those called out in the landscaping plan should be native species, as recommended by the Bureau of Environmental Services. Applicant shall maintain all berms, trees, shrubs, pathways, pavers and ground cover consistent with Exhibit H.40d.
- D. Applicant shall submit to the Bureau of Development Services, as part of the building permit review process, a specific Emergency Notification Plan that has been approved by the City of Portland Office of Emergency Management, to provide emergency notice alerts to owners/occupants of real property with an elevation of 396 feet elevation or lower (such notification area not to extend beyond 500 feet from any Site boundary).

**IT IS SO ORDERED:**

JUL 20 2011

Date



\_\_\_\_\_  
Mayor Sam Adams  
Presiding Officer at Hearing of  
July 14, 2011  
3:00 p.m. Session