

## Memorandum

Date: April 18, 2012

To: File No. CUP-12-02/DR-12-04 (Lake Oswego Water Treatment Plant expansion)

From: Zach Pelz, Associate Planner

Subject: Supplemental public comments for April 18, 2012, Planning Commission public hearing and new and amended conditions of approval

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This memo supplements the public record for project file CUP-12-02/DR-12-04 in the following ways:

1. **Amends Condition of Approval 4(d) and 4(e) of the Staff Report.** Staff wishes to correct a typographical error in these two conditions that limit noise making activities to hours that are unacceptable to the West Linn Community Development Code (CDC) (text insertions are underlined and text deletions are shown with a strikethrough).

The text of Condition of Approval 4(d) is recommended to be modified to state, "*Noise generating construction activities outside the hours of 7 PMAM to 7 AMPM on weekdays or 9 AM to 5 PM on weekends may only be permitted with written approval from the City Manager...*"

Similarly, staff recommends the text of Condition of Approval 4(e) be modified to state, "*Reverse signal alarms shall not be permitted for construction activities outside of the hours of 7 PMAM to 7 AMPM on weekdays and 9 AM to 5 PM on weekends; spotters or other alternative methods approved by OSHA ~~working~~ will be required.*"

2. **Add a condition of approval that requires an easement for all tree protection areas.** CDC Section 55.100(B)(2)(b) states that significant tree protection areas shall be dedicated to the City or protected by easement. Because the applicant's plans do not illustrate an easement for tree protection areas, staff recommends a new Condition of Approval (17) which states the following: "*Prior to issuance of any site development permits, the applicant must establish a conservation easement for all tree protection areas, as shown on the applicant's site plan in Exhibit PC-3, Section 23, Figure 3.0, containing clusters of two or more significant trees. The easement shall be approved by the Planning Director and recorded with Clackamas County.*"

Also, the attached documents reflect public comments received since your April 13, 2012, submittal packet.

## Pelz, Zach

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**From:** karen\_lucas@comcast.net  
**Sent:** Wednesday, April 18, 2012 10:19 AM  
**To:** Kerr, Chris; Pelz, Zach; Spir, Peter  
**Cc:** gwensieben@att.net; Rebecca.Walters@adp.com; shanonmv@comcast.net  
**Subject:** CUP-12-13/DR-12-04

Dear Zak, Chris and Peter,

I am a third generation West Linn resident. I grew up here as did my sons and my mother, in the log cabin her parents built in 1933. This is our home and we love it. That is why I have been so concerned about this situation of LO/Tigard water plant taking over part of our city. I live in "Old Willamette" and this situation is in Cedar Oak, but this is a whole city issue; we stand together or we fall together. What affects one neighborhood affects all neighborhoods.

I have tried to find out what the leaders of West Linn were doing about it and do you know what happened? The woman employee of West Linn had a representative from Lake Oswego Public Works call me! When did West Linn climb into bed with Lake Oswego? Why do our leaders bend over and let Lake Oswego do whatever they want to us? Why is our city ignoring this problem, abandoning these tax-paying citizens in their time of need? It begs the question, who from West Linn is benefiting from this affair? There were elections a few years back, in reaction to embezzlement and corruption, that were supposed to clean house and get this city back on track. It appears that this is just more of the same. Why would that be?

When Lake Oswego originally bought the property on Mapleton, the area was unincorporated Clackamas Co., but even then it was zoned for residential only. Since then LO has been quietly and covertly buying up property around that site in order to execute their scheme while West Linn was distracted by so many other things. Undetected, the cancer grew.

Now the proposal is for a **HUGE**, three story plant to be built in a residential area of 1-2 story, modest size homes. It will cover a vast amount of land. How can this possibly be viewed as consistent with zoning or acceptable in this neighborhood? It does NOT! LO was very clever by not including the 4 foot diameter supply pipe in this initial request. By cutting the project into pieces, they hope you will not notice that what is planned is that West Linn swallow whale.

If the building is approved, LO will aggressively pursue the huge supply line cut under this neighborhood. The consequences of a rupture of that pipeline defies imagination due to its size and PSI. I am sure my fellow citizens have provided sufficient detailed concerns this issue raises so I will not here.

Now the malignancy is too big to ignore and threatens a huge part of West Linn. It is time for radical surgery or, at the very least chemotherapy to stop this cancer in its tracks and prevent it from taking over the whole. Do not imagine that is an exaggeration. The leaders of LO are so shrewd, arrogant and greedy that if this goes on without a fight, West Linn will become the location for the next unsightly public works projects that have worn out or out grown their present location. This sets a precedent and so does the City of West Linn's action or inaction. Inaction sends a clear message that leaders and employees of West Linn are either corrupt, lazy or too wimpy to stand up for its citizens and will just let the bully from without abuse the children within.

When LO conspired with Tigard in this self serving venture, they ganged up on a few citizens who live along Mapleton and enticed them with cookies at their "little informational meetings". They pretended to be friendly and masqueraded as good neighbors. But when opposed, the fangs come out and they are suing those families that dare to stand up to preserve their neighborhood. How telling that LO does not want this plant in their neighborhoods, but has moved so aggressively to infiltrate ours. It is no wonder since their takeover goes unchecked by the leaders and employees of West Linn. Now is the time to stop this!

Tigard does not have any rights to Clackamas River water and it must stay that way. According the Wikipedia and the 2010 census, the population of WL is 24,180 while the population of LO is 36,619 and Tigard is 48,035 for a combined 84,941. In a drought year, who do you actually think will be shortchanged on this precious, limited resource? Water wars are nothing new to this country or this world. Now is the time to prevent or at the very least limit this likelihood here.

While the benefit to LO & Tigard is clear, the benefit to leaders and employees of WL uncertain, there is no benefit to the families living on Mapleton and the surrounding area. Their property values have already plummeted. There are many "for sale" signs, but no one wants to live in this battle zone. The values will only go down as the water plant goes up. The construction will devastate this narrow road and quiet neighborhood with noise, traffic, etc. Once up, these neighbors will have to live with chemicals being delivered and stored as well as off gassing, noise, lights, traffic, the threat of a rupture not to mention the mammoth structure

itself looming over them. All of Cedar Oak will be impacted by the construction of transmission lines being installed down Hwy. 43 to take the water to LO and beyond. A rupture of those transmission lines is an ongoing threat to all commuters who drive Hwy 43.

Lake Oswego has many miles of Willamette River frontage of its own where it could house and process sufficient water to meet its own needs. West Linn is under no obligation to facilitate this LO/Tigard takeover of our water, our neighborhoods and our city. Now is the time to act. Cut out this cancer while you can. The consequences are too great for all of us.

Sincerely,

Karen Lucas

1733 Jamie Cir.

West Linn, OR 97068

## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Wednesday, April 18, 2012 9:42 AM  
**To:** RNA Great Neighbor Committee; CWL Planning Commission  
**Cc:** Sonnen, John; Pelz, Zach; Day, Eric  
**Subject:** Chapter 44 Fence violations, galore

To whomever wishes to address this,

It appears that the Staff Report and Applicant submission to CUP 12-02 / DR-12-04 overlooks violations to Chapter 44, Fences, a Class II Design Review Approval Standard under CDC 55.100. Incidental to these violations, the staff report authored by *Chris Kerr and Zach Pelz sanction contradictions, errors in the drawings, and other potential violations by way of their own omissions, possibly with deliberate intent.* (See page 57, Finding No. 40, and Page 75, Finding No. 78, described below.) *And this is just the fences folks.* There just 'IS' not enough time within the 12 days provided to address the varied and numerous erroneous findings of staff or the violations within the application itself. (In and of itself a potential rationale for appeal.) Thus;

#1.) The Executive Summary, Page 2, concludes, "Staff has reviewed the applicant's proposal relative to all applicable CDC requirements and finds that there are sufficient grounds for approval, subject to the recommended Conditions of Approval."

**My response:** *After being provided a hardcopy of the Land Use Application and Staff Report the evening of April 16, and spending just 2 hours scoping the work of the applicant and city staff, I suggest the applicant's proposal does **not** meet all applicable CDC requirements and staff has potentially exposed the City of West Linn to unaccountable liabilities and future litigation through a lackluster review and potentially shoddy oversight.*

**Request:** The Planning Director should review potential errors and a.) ascertain the intent of the staff reviewers, and b.) make a 1.)determination of completeness or, 2.) remand the application back to the applicant as conditions not met.

#2) Page 44 of the Staff Report states "Finding No. 13: Findings regarding the applicable criteria from the above referenced CDC Chapters can be found later in the staff report under the respective chapter headings." Chapter 44, FENCES and FINDING NO. 78 on page 75 of the staff report. Please read the code cited and the FINDING on page 75 and top of page 76.

**My response(1):** *In most findings, the commission will read "staff concurs". In some instances, as in FINDING NO.77, "(s)taff partially concurs..". With Finding No. 78,there is no such concurrence and the fences are only partially addressed. Kerr and/or Pelz write " ..fences are outside the clear vision triangles.." and offer a condition of approval regarding the good neighbor fence. Other components of CDC Chapter 44, such as HEIGHT LIMITATIONS, are not mentioned. And "SETBACKS" are left out entirely. Chp. 44 states " MAXIMUM FENCE HEIGHT IS ALWAYS 6 FEET." (Although not the focus of this email, #4 VISUAL SCREEN FENCE on Dwg. No. 14.0 appears to be in violation of maximum fence height and is unaddressed, comes with no condition of approval, or is cited.) The focus of my response looks at Dwg. 12.3 in an area that remains highly impacted and unmitigated. Please note the Architectural Security Gate and see Dwg. 14.0 and 14.1. Both the fence and gate are at 9'-9". Please note how the gate slides back and forth across the adjacent residents rear yard property line. Not only is the height limitation exceeded, the setback is undimensioned and undisclosed.*

**Request:** The staff report is potentially fraudulent. Previously, with CUP 10-03, a violation of Chapter 55 was mentioned and staff member Mr. Spir was allowed to address the observation by changing the color of the block. In an e-mail sent to the commission earlier last month, photographs confirmed the violation and the inappropriate response provided by Mr. Spir. Looking back at the proceedings on video, the commission nodded with consent and there was no opportunity for a correction or rebuttal from the community and the violation was ignored. By the time the structure was built and demonstrated to be in violation of the CDC, it was too late and the city could not enforce what they had erroneously approved. Provided with the precedent of the play structure, the "pledge" to no longer listen to staff, and the violations to CDC Chapter 44, the Planning Director and Planning Commission

Chair, Herr Babbitt, must remand CUP-12-02 / DR-12-04 back to the applicant for correction and additional review.

**My response(2):** Besides violations, inequitable enforcement actions by the West Linn Community Police and the West Linn City Manager have established a dangerous precedent the commission needs to consider regarding CUP-12-02 / DR-12-04 and create new policies meeting CIC obligations that improve upon the failed conditional use process. The existing process must not be allowed to stand as adequate or meeting intent. As with the CUP 10-03 play structure, once the structure was erected it was too late to address the violation. Regarding the same project, a pathway to the school was laid down and a new fence built, partly encroaching into the city owned ROW. Another existing fence encroaching into the ROW was singled out by the city manager for removal within an arbitrary 30 day period. The community officer and temporary parks director were specifically instructed by the city manager to rectify the encroachment. The resident requested a copy of the CDC and was directed by letter to remove the encroachment or face a violation. No time extension was permitted nor was the new encroachment and Chapter 42, clear vision area encumbrance elsewhere within the same ROW and existing elsewhere, addressed. Allowing the Chapter 44 FENCES violation to advance, even if addressed by a new conditional use, will not address the fundamental flaw of erroneous review and inequitable enforcement. The fence will be built as it is drawn today unless the commission remands the application.

**Request:** The Planning Director should remand CUP-12-02 / DR-12-04 to a third party reviewer and seek additional fees and revenue from the applicant to pay for a waste of city employee resources, the third party review, and time misappropriated.

#3) Page 57 of the Staff Report states "Finding No. 40: Staff concurs with the applicant's response..." is equally in error and a potential omission. Please read the code (i) cited and FINDING NO. 40 on page 57.

**My response(1):** The finding omits the security gate at the rear yard that not only exceeds height limitations but provides a function (it moves based on plant operation deliveries and vehicular exiting) that is not at all in keeping with the architectural standards or "sympathetic to surrounding properties". Not only does the gate move, 18 wheel trucks come and go while other 18 wheel trucks delivering chemicals go in and out a 20 foot high rolling door to deliver chemicals, no further than 18 feet from the corner property line. Even though staff says "actual work accomplished on site will occur in or around structures that do not necessarily lend themselves to the architectural standards articulated...", this violation of function within the conditional use remains unmitigated and unaddressed yet is falsely stated that "the criterion is met." Note that the fence, even with the height violation, will be ineffective in controlling the visual nuisance, noise, and potential air borne chemicals from impacting the residents property from his yard and home.

**Request:** It appears that the staff report is misleading. The staff report appears to consistently play with intent, misconstrue word meaning, and mislead with word play. The claims made by staff, under close scrutiny, do not hold water. Even the rendering appearing beside FINDING NO. 40 on page 56, misleads on landscaping, architectural standards, and ambiance not belonging in a technical review. To novice volunteers, the drawing distracts from the potentially inaccurate facts and findings of staff. When a staff report reads this poorly and raises suspicions within a two hour cursory review, I become concerned over government waste, administrative misappropriations, and potential negligence on the part of the applicant and city reviewers. Staff states "the WTP is a major public utility." but than dismisses the negative connotation by explaining "the applicant, design team, in consultation with the neighbors, made significant efforts." When this condition was recently mentioned at the Willamette NA meeting, the Tigard water representative became indignant and would not respond to the area nor describe what was being proposed. Ms. Jane Heisler feigned ignorance. At the meeting, the Tigard representative said, "It is in the report. Staff has approved this. Look it up yourself." Well, I did and I am appalled. Is this the "consultation" that staff is extolling? Some have expressed the feeling that the Tigard representative is part of the problem and an indication on the false nature of this report and application.

#4) Commissioners should be compelled to review the entire Land Use Application and Staff Report with a critical eye. It could be that the conditional use process is insufficiently triggered and that stricter codes, statutes, and/or goals have been ignored. The staff and applicant appear to be disguising a major industrial use onto a site that is too small for their program and desired objectives. Certainly, the impacts to the residential zone are severe and denigrate the area significantly. The fact that up until now the city has neglected to support proper citizen involvement, conducted a poor review, and participated in what appears to be a civic coverup of municipal greed and avarice, is cause for grave concern and alarm. Not only does this application appear headed to LUBA on potentially multiple appeals, it seems that litigation, like with the Holiday Inn application CUP 08-03, is almost inevitable.

Cheers, Gary Hitesman

## Pelz, Zach

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**From:** Sonnen, John  
**Sent:** Wednesday, April 18, 2012 8:16 AM  
**To:** Pelz, Zach  
**Subject:** FW: Lake Oswego Water Treatment Facility

John Sonnen, Planning Director  
Planning and Building, #1524

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Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

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

**From:** Dave Froode [mailto:dfroode@comcast.net]  
**Sent:** Wednesday, April 18, 2012 6:50 AM  
**To:** Sonnen, John  
**Subject:** Lake Oswego Water Treatment Facility

Mr Sonnen:

To the West Linn Planning Commission. I am opposed and have several concerns about the expansion of Lake Oswego's Water Treatment facility.

1. The expansion appears to be greater in size then is allowed.
2. Chemicals being used by the facility should be examined to assure the surrounding community's safety.
3. A four foot water pipe is outrageous and unnecessary except for Oswego's agreement to provide water to Tigard.
4. The hillside below Kentrope Way that is adjacent to Nixon Ave was developed through the years by local residents using it as a landfill. There are also numerous underground springs exiting the hillside. That hill's stability is questionable given several slides have occurred over that past few years.
5. Lake Oswego/Tigard have yet to display adequate liability insurance coverage in the event of a catastrophic event they might be found negligent for.
6. The benefits to West Linn are not proportional to the community and surrounding neighbors will be exposed to during and after the construction period.
7. Oswego and Tigard have alternative options. Both could tap the Willamette River. Oswego could join West Linn/OC water system. Tigard could join Wilsonville or continue with Bull Run water. Oswego could build this facility in their own industrial area of Foothills.
8. If Oswego did not provide Tigard with water this expansion and the increase of their taking from the Clackamas River would not be necessary. But Oswego is doubling their taking to 100% of their water rights. If others in the Clackamas River basin were to do the same,

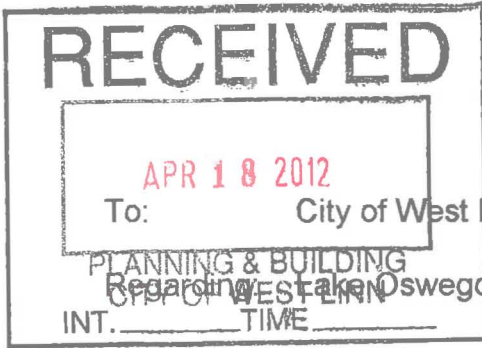
the Clackamas River could not sustain the demand. Therefore Lake Oswego is leap frogging the rest of those dependent on the Clackamas River jeopardizing our water rights well in to the future.

In conclusion, Oswego's primary motivation is to have Tigard pay a significant amount towards the cost of their facility's remodel. In exchange the non member Tigard taps in to the Clackamas River. Great deal for Lake Oswego. Great deal for Tigard. A very bad deal for every one else.

Thank you.

Regards,  
David J. Froode  
19340 Nixon Ave. West Linn Oregon 97068





April 16, 2012

My name is Shanon Vroman and my husband and I have lived at 4101/4117 Mapleton Drive for over 21 years. I am a tax payer of West Linn; an active member of the greater community; have served as President of the Robinwood Neighborhood Association; actively been involved with the entire process of the proposed LOT Water Plant expansion; I have attended almost all of the meetings related to this project; our properties back up to the existing Lake Oswego Water treatment plant property; I believe this project is unsafe, unreasonable, uncharacteristic of the city and certainly the proposed expansion site neighborhood, and most importantly, unnecessary!

I apologize I am not able to be at the hearing this evening but I am in California visiting possible Grad Schools for our daughter....otherwise, I promise I would be there in person!

There are so many reasons this application is incomplete and should be denied. And, so many reasons it does not meet the code and should be dismissed. Hopefully you will take to heart the testimonies presented in person and in writing and the solid points being made which supply you with just cause to dismiss/deny this application.

I will be focusing on only a few of the MANY points as my fellow community members will be touching on others and out of respect for the Commission, we are trying not to duplicate ourselves too much! But please don't confuse the briefness of my list as not caring or having concern for the others. I stand along side each and every citizen that speaks or writes in opposition of this application and agree and support their statements, 100%!

First and foremost, I believe this application and project is NOT an expansion. It is in fact a *new* development, a '*new use*' and purpose of the property currently under a CUP. Not to mention the *new* properties on Mapleton were not part of the original CUP. This project has dramatically significant changes to the West Linn Comprehensive Plan and therefore, it should absolutely be required to go through a Comprehensive Plan Amendment Process. A CUP is not sufficient to assess this project in its entirety, the size of it and it's impact to the city and surrounding community. The original planned size of the plant by LO was 24MGD and that is why they purchased the properties on Mapleton; to upgrade their current facility....to accommodate a 24MGD size plant. After the last time they tried to upgrade their plant and were denied by the WL City Council, they re-evaluated their plan and eventually partnered with Tigard to not just upgrade the plant, but to build a *new* facility that could produce 38MGD's and thereby provide the entire city of Tigard with water. This is where the '*new purpose*' of

the plant comes in. Now that they have decided to maximize their water rights and pull 38MGD's from the river and have submitted an application to build a 'new' facility, you MUST view this as a 'new purpose' and a CUP DOES NOT apply! **Grounds for dismissal #1**

CDC code 60.080 SITE PLAN AND MAP - Shows incomplete application/ Misrepresentation of level of impact

In the Site Analysis submitted by LOT with their application, they included site maps showing the level of impact their *new* project would have on the surrounding areas. They identified homes that were within 121' of their property line. However, they once again mis-represented the facts. I own two properties on Mapleton, both of which would fall within this distance from their property lines. On page 4, "Site Analysis - Existing Site Overview", they failed to identify my second property at 4117 Mapleton. This property is greatly impacted by this *new* plant and within the 121'. In addition, there are actually 18 homes that are within 121' of the Lake Oswego property lines and only 9 of these 18 properties are identified on their map. Clearly they have supplied incomplete information and therefore their application should be deemed incomplete. (LOT existing site overview, page 4 of 83 included). **Grounds for dismissal #2**

As it relates specifically to impact, there is a 3 story building planned for this project and that is completely out of character with ANY OTHER building in the entire surrounding area, all of which is single family residential zoned. A 3 story structure does not fit in with a residential neighborhood. My home is a two story home that has windows clear across the back. All windows have a view of the forest behind us. Every upstairs room has windows. Part of this forested area is owned by Lake Oswego and is sited to be developed with structures. As it stands right now, LOT has cleared 14 trees and major amounts of under brush and small trees. This devastating clearing has already exposed our home. And, our view has been dramatically impacted. We now see the entire plant and the homes on Kenthorpe. Most of which we never saw before. There is no way they can construct a 3 story building and have it NOT impact us. It would be completely out of character and an absolute IMPACT. We would see it from every room in our home! What proof did the Planning staff have that they reviewed to determine that this application, specifically the 3 story building would not have an impact. I am not even addressing all the other structures that will also dramatically impact my property and the rest of the surrounding neighbors. ( I am including photos of my view before the devastating tree removal and clearing was done and the view now of the existing site, BEFORE any development)

The safety hazards our community will face is also an IMPACT. We will all face additional chemicals being used and stored on site, larger settling ponds with MUCH more water, a ginormous 4' pipe carrying pressurized, chlorinated water, etc. puts us all at risk and therefore we are each IMPACTED. On what grounds did the staff determine this project did not have an IMPACT?

In addition, the applicant claims they have had an appraisal done and it demonstrated there was no impact. Where is this appraisal? Did the staff see this document and agree with this at face value? Did they not feel it necessary to make an independent assessment of the potential impact of this project on the surrounding neighbors, community and city as a whole? Why would an applicant be able to submit their own potentially biased document on such a major/substantial project?

Since there is demonstrated IMPACT from this project that would suggest it does not meet the code and this application should be dismissed. **Grounds for dismissal #3**

The final major point I would like to address is the issue of BENEFIT. This is critical! To qualify for approval, this application must demonstrate a BENEFIT to the community. It categorically does NOT. LOT identifies, what they believe to be, 2 benefits to the City of West Linn. The first is the idea of providing our city with 6MGD's of their total 38MGD'S they plan to pull from the river. LOT has stated on record that the 6MGD's is only available to WL for 13 years and then it will be needed for their own city to supply the Stafford area. How much of a BENEFIT is a BENEFIT that is not committed to us and it is scheduled to be taken away? How can the City of WL, in good conscious view this as a BENEFIT, knowing it is temporary. The *new* plant is NOT temporary nor is the CUP being requested so for the CUP to be approved it must provide a benefit....shouldn't the BENEFIT be in existence for the duration of the CUP. IF the benefit goes away, so should the CUP! Unless LOT wants to dedicate the 6MGD's to WL, there is no BENEFIT here. How can the Planning staff justify this as a BENEFIT?

The second BENEFIT LOT claims they offer WL with this *new* application is the Intertie. We currently have an Intertie functioning and providing water to both LO and WL in emergency situations. This application for a *new* facility does not offer a *new* BENEFIT. The existing plant and CUP offers the existing Intertie as a benefit. A new CUP should offer a *new* BENEFIT. In addition, how can the Planning Commission view this a so-called BENEFIT if it costs our city 2 million+ to be able to access the BENEFIT? (2 million to purchase the pump needed at the Interite site and the new pipes needed to access the new Intertie). A BENEFIT should not cost us money. In addition, LOT is on record as stating that even if we spend the 2 million+ to be able to use the BENEFIT, they can not completely guarantee us water through it in an emergency at the height of the season and maximum water usage times for their cities. Translation, there is a chance that they won't have enough water to give to us...what happened to the 6MDG's they claimed was for us?? Everything about this non-BENEFIT screams out, non compliance!

One other point related to getting water from the Intertie - There is no emergency back up generator identified at the *new* plant OR at the Interite. In case of an emergency which includes a loss of power, LOT has no way to provide us emergency water through the Interite and therefore we can once again, **not** BENEFIT from this so-called BENEFIT.

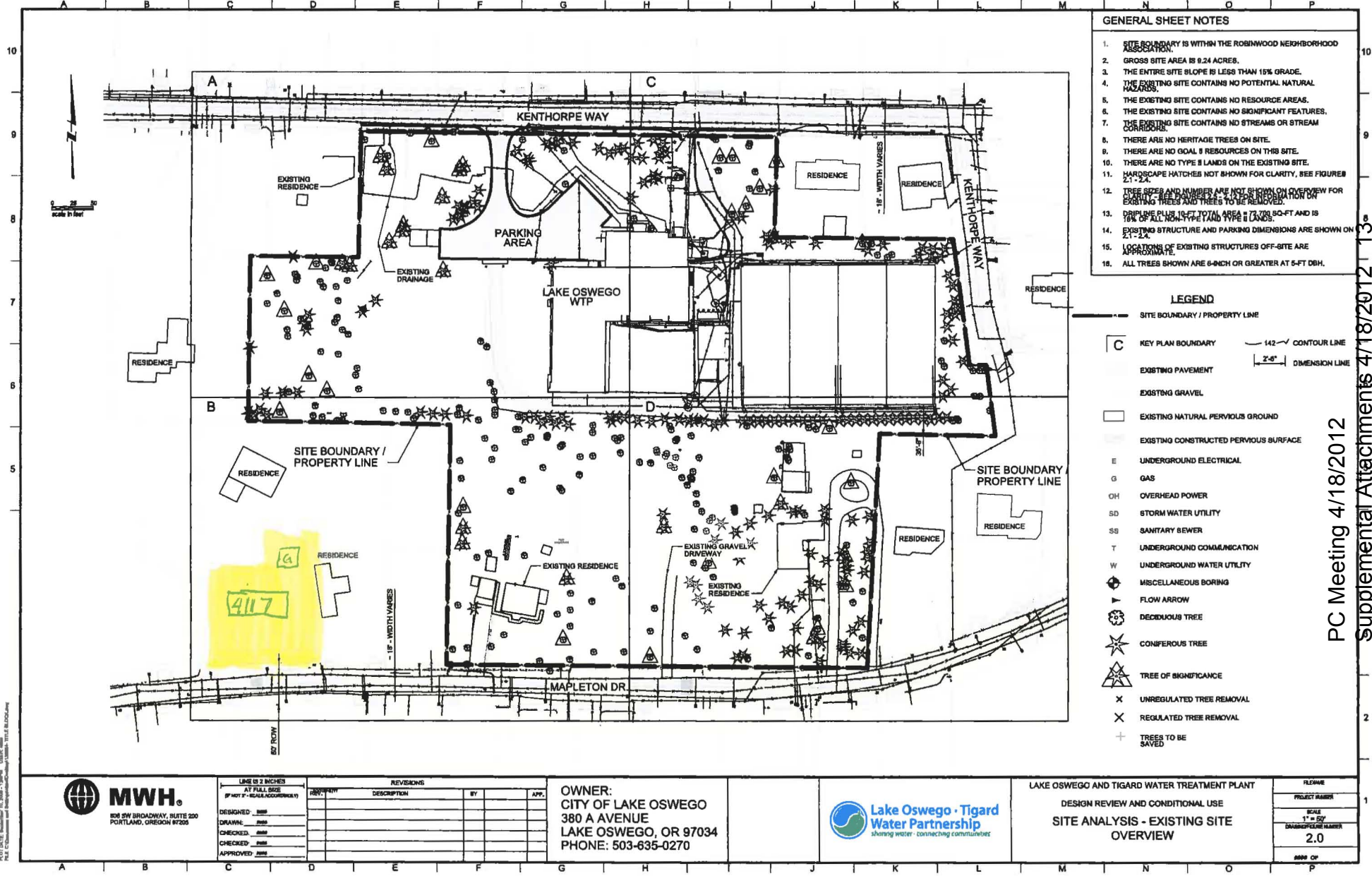
Between the uncommitted/undedicated 6MDG's and the non guaranteed emergency water through the Intertie that costs us 2 million, there is NO BENEFIT. With no BENEFIT, this application does not meet the CDC, is incomplete and therefore should be dismissed. **Grounds for dismissal #4**

The burden of this decision certainly rests in your hands at this point. I would hope that each of you would be objective about this application; seriously consider and review all the testimony shared and submitted. To approve this incomplete application that DOES NOT meet all the CDC requirements would be negligent. I believe in the right to personal interpretation and each of you have that right as you review this application. The risk and responsibility placed on the City of West Linn with an approval of this application is huge. The citizens are speaking out about this concern and we are asking you to protect each of us as homeowners, tax payers and citizens of West Linn, those that you serve.

Thank you for your time and consideration of my testimony.

Shanon Vroman





- GENERAL SHEET NOTES**
1. SITE BOUNDARY IS WITHIN THE ROBINWOOD NEIGHBORHOOD ASSOCIATION.
  2. GROSS SITE AREA IS 9.24 ACRES.
  3. THE ENTIRE SITE SLOPE IS LESS THAN 15% GRADE.
  4. THE EXISTING SITE CONTAINS NO POTENTIAL NATURAL WETLANDS.
  5. THE EXISTING SITE CONTAINS NO RESOURCE AREAS.
  6. THE EXISTING SITE CONTAINS NO SIGNIFICANT FEATURES.
  7. THE EXISTING SITE CONTAINS NO STREAMS OR STREAM CORRIDORS.
  8. THERE ARE NO HERITAGE TREES ON SITE.
  9. THERE ARE NO GOAL B RESOURCES ON THIS SITE.
  10. THERE ARE NO TYPE II LANDS ON THE EXISTING SITE.
  11. LANDSCAPE HATCHES NOT SHOWN FOR CLARITY. SEE FIGURE# 2.1.2.4.
  12. TREE SIZES AND NUMBER ARE NOT SHOWN ON OVERVIEW FOR CLARITY - SEE PARAGRAPHS A-1.1.3 FOR INFORMATION ON EXISTING TREES AND TREES TO BE REMOVED.
  13. DRIP LINE PLUS 10 FT TOTAL AREA = 7,700 SQ-FT AND IS 15% OF ALL NON-TYPE I AND TYPE II LANDS.
  14. EXISTING STRUCTURE AND PARKING DIMENSIONS ARE SHOWN ON APPROXIMATE.
  15. LOCATIONS OF EXISTING STRUCTURES OFF-SITE ARE APPROXIMATE.
  16. ALL TREES SHOWN ARE 6-INCH OR GREATER AT 5-FT DBH.

- LEGEND**
- SITE BOUNDARY / PROPERTY LINE
  - KEY PLAN BOUNDARY
  - EXISTING PAVEMENT
  - EXISTING GRAVEL
  - EXISTING NATURAL PERVIOUS GROUND
  - EXISTING CONSTRUCTED PERVIOUS SURFACE
  - UNDERGROUND ELECTRICAL
  - GAS
  - OVERHEAD POWER
  - STORM WATER UTILITY
  - SANITARY SEWER
  - UNDERGROUND COMMUNICATION
  - UNDERGROUND WATER UTILITY
  - MISCELLANEOUS BORING
  - FLOW ARROW
  - DECIDUOUS TREE
  - CONIFEROUS TREE
  - TREE OF SIGNIFICANCE
  - UNREGULATED TREE REMOVAL
  - REGULATED TREE REMOVAL
  - TREES TO BE SAVED
  - 142' CONTOUR LINE
  - 2'-0" DIMENSION LINE

PC Meeting 4/18/2012  
Supplemental Attachments 4/18/2012 135



LINE IS 2 INCHES AT FULL SIZE (IF NOT 1" = 50', ACCORDINGLY)

DATE	REVISIONS	BY	APP.

**OWNER:**  
CITY OF LAKE OSWEGO  
380 A AVENUE  
LAKE OSWEGO, OR 97034  
PHONE: 503-635-0270



LAKE OSWEGO AND TIGARD WATER TREATMENT PLANT  
DESIGN REVIEW AND CONDITIONAL USE  
SITE ANALYSIS - EXISTING SITE  
OVERVIEW

FILENAME	
PROJECT NUMBER	
SCALE	1" = 50'
DRAWING NUMBER	2.0
DATE	

PLOT DATE: 04/18/2012 10:00:00 AM. USER: MWH. FILE: C:\Users\mwh\Documents\Projects\2012\135\135\_135\_01.dwg



Before - Fall  
tree removal & under brush  
clearing.  
\* No treatment plant visible

Before tree removal & under  
brush clearing.





Before → View in winter after leaf drop... still no plant visible



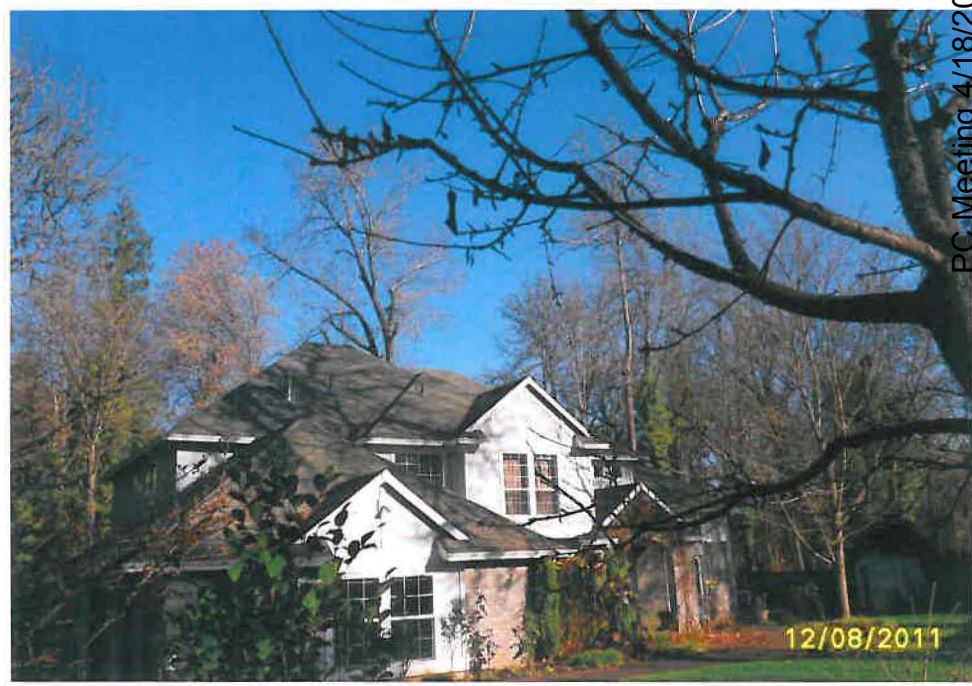
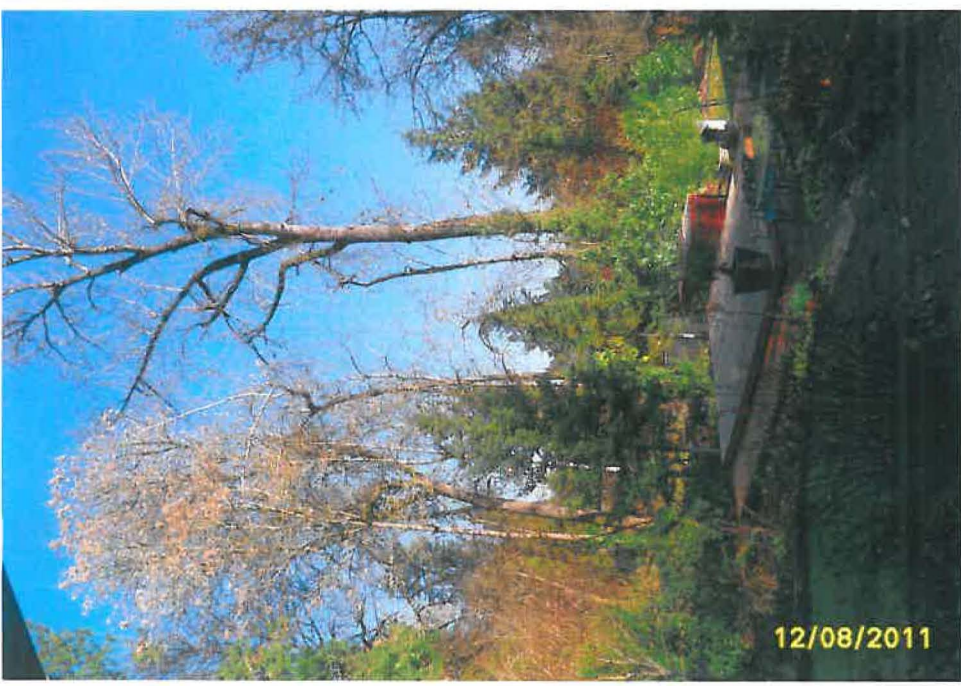


before clearing

Starting the underbrush clearing



\* before trees removed

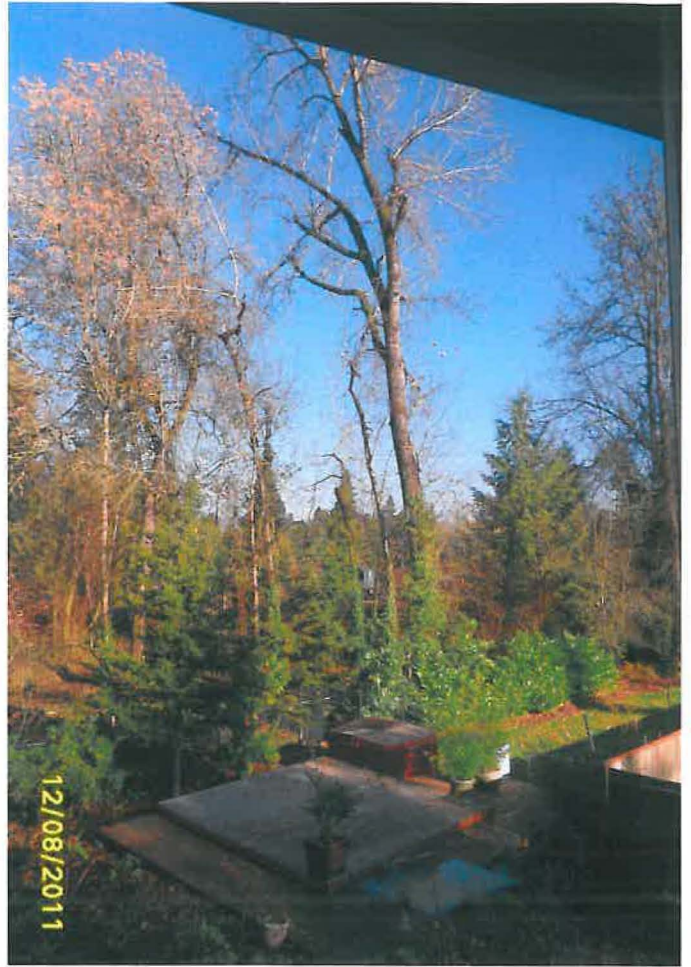


removed trees

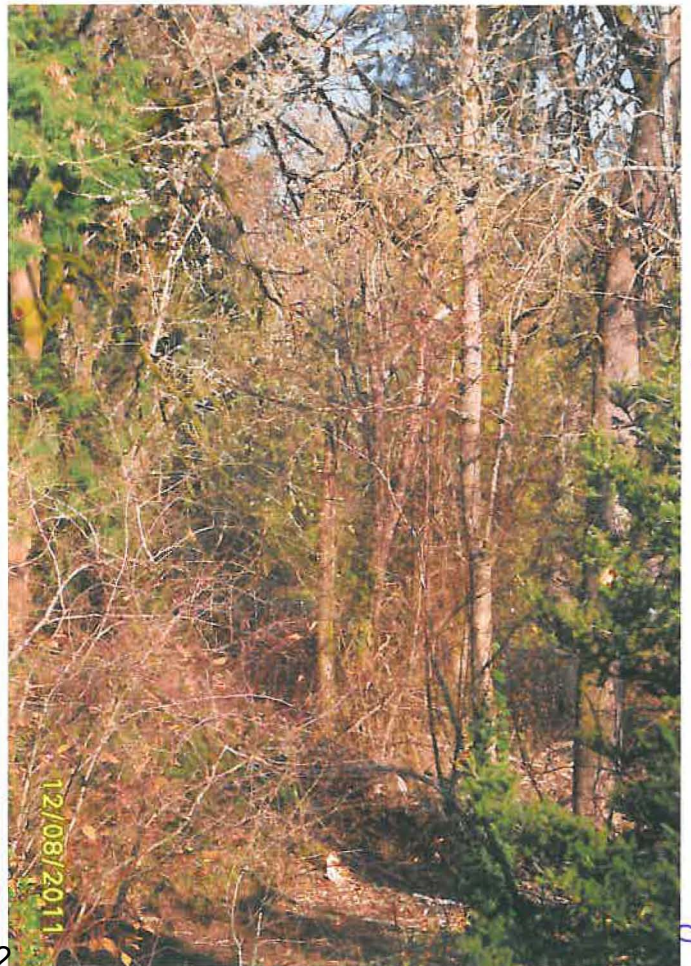
\* trees coming down



View from upstairs



tree falling



\* Before under brush clearing

before clearing →



trees gone ii



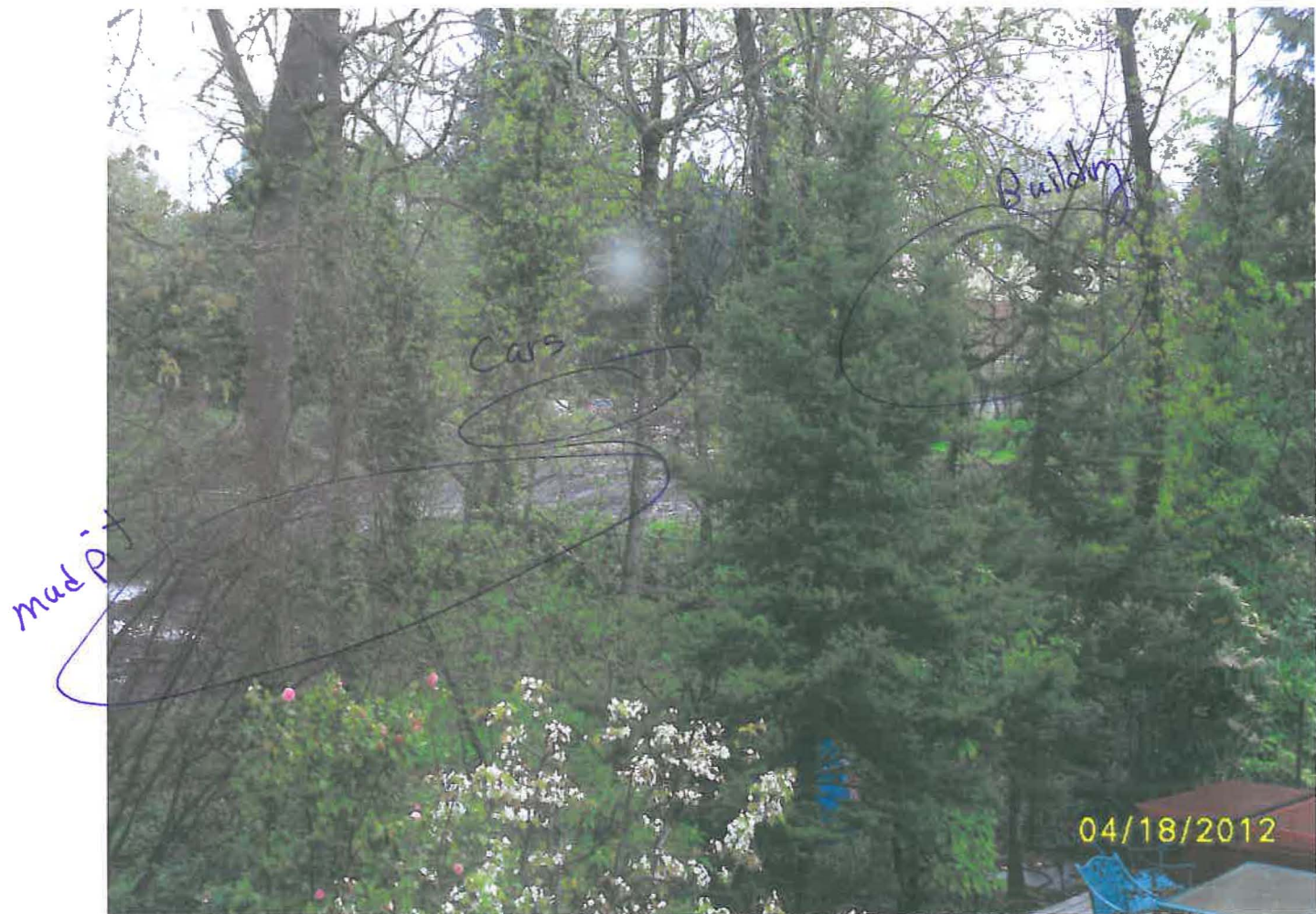
1st tree's gone ii

After tree removal & clearing



ox open clearing  
med.





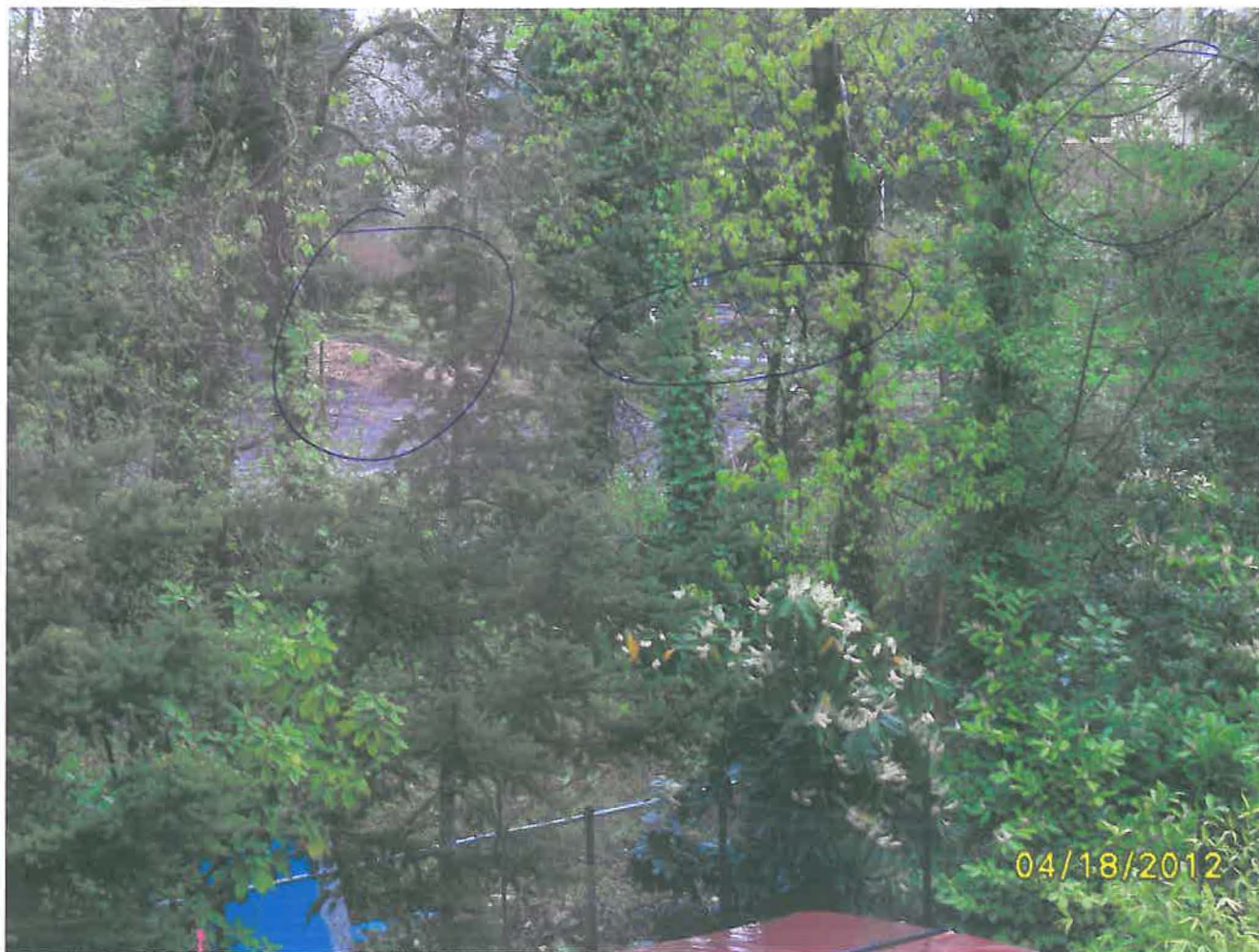
After







mud pit left after  
under brush cleared & small trees  
also taken down



upstairs view now

Before they start any construction

CARRHER  
4385 KENTHORPE WAY  
WEST LINN, OR 97068

PORTLAND, OR 970  
16 APR 2012 PM 4 T



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APR 17 2012

PLANNING & BUILDING  
CITY OF WEST LINN  
NT

CITY OF WEST LINN PLANNING COMMISSION  
22500 SALAMO ROAD  
WEST LINN, OR 97068

9706899270



*David L. Caraher  
4388 Kenthorpe Way  
West Linn, OR 97068*

April 14, 2012

City of West Linn Planning Department  
22500 Salamo Road, #1000  
West Linn, OR 97068  
Attn: Chris Kerr or Zach Pelz

Don't be shocked, but this is a letter of general support for Lake Oswego's proposal to upgrade and increase the capacity of its water treatment plant in West Linn.

I've lived next to the water treatment plant for thirty two years. Both my south and west property lines adjoin the treatment plant boundaries. I think I have more common boundary with the treatment plant than any other land owner. I like having them next door. For one thing, they have been very good neighbors:

- When I asked if they could keep their fence sixteen feet on their side of the line so I could have a buffer between my back yard and their property, they agreed.
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- I requested a wall of vegetation between us so I wouldn't be able to see their building: they planted red-twig dogwood, eight feet tall, and I can't see any part of their facility from any part of my property.
- They planned a new road right along my west property line. When I suggested they move it to the inside of their property, they agreed, and that's where it is.
- Once, while I was entertaining guests outside on my deck on a Saturday afternoon, they had a project going with noisy, heavy equipment. I asked if they couldn't give it a rest: they shut down until Monday.
- Two years ago I asked if they couldn't help control the blackberries along our border: a week later they brought in a crew and dug them up.
- Last year, when I pointed out that a large tree limb from a tree on their property was hanging out over the roof of my house, they removed it within a week.

But more than being good neighbors, I like having them next door because their landscaping provides me with unusual seclusion and privacy, an advantage I enjoy and visitors envy. I also like having the open space they provide: their property is for me a welcome relief from unbroken residential density in the neighborhood. Finally, if they were to be replaced by nine acres of houses, our neighborhood would have a lot more noise and traffic.



Now on to Lake Oswego's current proposal: I have attended most of their open house and public meetings, and I have also heard and read the words of neighborhood opposition. (I am a member of the Robinwood Neighborhood Association's "Great Neighbor Committee." Although I have been mostly inactive due to scheduling conflicts, I am on their electronic mailing list and so keep up with their communications.)

Speaking strictly for myself, here are my comments about Lake Oswego's proposal to upgrade and increase the capacity of its water treatment plant.

For the most part, I do agree with two neighborhood objections.

First, increasing the capacity of the plant to serve Tigard does seem like Lake Oswego is taking advantage of West Linn hospitality. Considering the treatment plant is within a residential area, it would seem prudent for Lake Oswego to tread as lightly as possible here. The proposal might be more palatable if Lake Oswego could provide us with a cost-benefit analysis of plausible alternatives. I suspect neither Lake Oswego nor Tigard has conducted such an analysis. I think they should have, and I think the West Linn Planning Commission should give this point and its consequences serious consideration. We should have no objection to Lake Oswego upgrading the plant and increasing its capacity for its own use, but without clear justification, increasing capacity for a second jurisdiction seems disingenuous.

Second, I agree that the construction work for this project, especially for the pipeline, has the potential to cause serious impacts to the neighborhood. I believe we, the neighborhood, City of West Linn, City of Lake Oswego and contractors can mitigate a large portion of these impacts, but that will take considerable effort and cooperation on everyone's part, and it could require an agreement over and above conditional use permit requirements.

I also have several significant points of disagreement with the voices of objection.

First, I don't think the treatment plant looks like an industrial facility, or is in any way a visual intrusion into our neighborhood. On the contrary, I think it's already more attractive than some neighboring properties where old, dead cars, boats, camp trailers, moldy shacks, un-mowed lawns, deformed trees and weeds, and trash including an old couch and discarded scraps of metal and wood decorate front yards or are plainly visible from the street. What's more, after visiting with Lake Oswego's architects and engineers and reviewing their drawings and plans, I am convinced the finished product will be an asset to the neighborhood.

Second, I don't think the noise of plant operations is a significant factor. I know the plant has been noisy in the past – the front end loader scraping sludge from the settling ponds has been the worst. But after thinking about it, people who live close to the Willamette get far more noise from rowing crews with their bull horns at six o'clock in the morning and from jet skis and power boats the rest of the day. People who live near Tanner Creek Park get more noise from daily park use in the summer, especially during the weekly rock concerts. People who live within a half-mile of I-205 get the constant drone of traffic, day after day, from five in the morning until ten at night. People near downtown Oregon City get several daily doses of noise from the train. People who live near Robinwood Park get to hear a regular clack of skate boards long into summer evenings. Of all those, I'd rather live next to Lake Oswego's Water Treatment Plant.

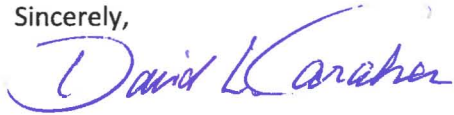
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I conclude that the construction phase of the new treatment plant poses significant impacts to the livability of the neighborhood, but that when it's completed, the appearance and operation of treatment plant will not only blend in well here, but will be an asset to the neighborhood. It has the potential to be the most attractive facility of its size in West Linn.

I will not be able to attend the planning commission's public hearing on this topic on April 18, and so I ask that you incorporate this letter into the land use record.

Sincerely,



DAVID L. CARAHER

cc: West Linn Planning Commission  
Robinwood Neighborhood's Great Neighbor Committee  
Joel Komarek, Project Director, Lake Oswego-Tigard Water Partnership

CARAKER  
4388 KENTHORPE WAY  
WEST LINN, OR 97068

PORTLAND, OR 972  
16 APR 2012 PM 6 L



**RECEIVED**  
APR 17 2012  
PLANNING & BUILDING  
CITY OF WEST LINN  
OR

CITY OF WEST LINN PLANNING DEPT  
22500 SALAMO ROAD  
WEST LINN, OR 97068

9706888270



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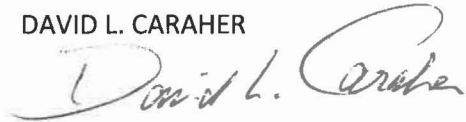
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Sincerely,

DAVID L. CARAHER

A handwritten signature in cursive script that reads "David L. Caraher".

cc: West Linn Planning Commission  
Robinwood Neighborhood's Great Neighbor Committee  
Joel Komarek, Project Director, Lake Oswego-Tigard Water Partnership

**Pelz, Zach**

---

**From:** Sonnen, John  
**Sent:** Tuesday, April 17, 2012 2:03 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 15504 - Lake Oswego water plant

John Sonnen, Planning Director  
Planning and Building, #1524

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.  
Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Webmaster  
**Sent:** Tuesday, April 17, 2012 1:55 PM  
**To:** Sonnen, John  
**Subject:** Citizen Request 15504 - Lake Oswego water plant

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

<b>Original Request</b>	<b>04/17/2012</b>	Reference Number:	<b>15504</b>
<b>SummaryDate:</b>		Status:	<b>Assigned</b>
Name:	<b>Clayton Fouts</b>	Source:	<b>online</b>
Email:	<a href="mailto:clay0403@hotmail.com">clay0403@hotmail.com</a>	Assigned To:	<b>jsonnen</b>
Phone:	<b>971 235 0837</b>	Assigned Group:	<b>Planning</b>
Topic	<b><a href="#">Lake Oswego water plant</a></b>		
Request Details:	My wife and I are long term West Linn residents (more than 30 years), live in the Robinwood neighborhood. A few years ago, in my capacity as a Consulting Engineer, I visited the Lake Oswego water plant, which is located within a few blocks of our home. I am thus well aware of its location. We are adamantly opposed to any increase in its size and capacity, especially of the type proposed, and the resultant environmental disruption and damage it would cause. /s/ Clayton A Fouts, PE		
Comment:			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

**Kerr, Chris**

---

**From:** Kerr, Chris  
**Sent:** Monday, April 16, 2012 4:19 PM  
**To:** Martin, Robert  
**Cc:** Planning Commission Board  
**Subject:** Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA  
**Attachments:** Lake Oswego Intertie - LO, SFWB.PDF

Per Commissioner Martin's request, attached is the signed IGA between LO, West Linn and South Fork relating to emergency water.

Please call me with any questions.

Thanks  
Chris Kerr

**INTERGOVERNMENTAL  
COOPERATIVE AGREEMENT  
FOR  
WATER SYSTEM INTERTIE  
BETWEEN THE  
SOUTH FORK WATER BOARD, THE CITY OF LAKE OSWEGO  
AND THE CITY OF WEST LINN**

COPY

This Agreement is made and entered into by and between the South Fork Water Board, an intergovernmental entity created pursuant to ORS Chapter 190, serving as a water supply agency and jointly owned and operated by the Cities of Oregon City and West Linn, hereinafter referred to as "Board;" the City of Lake Oswego, an Oregon municipal corporation, hereinafter referred to as "Lake Oswego;" and the City of West Linn, an Oregon municipal corporation, hereinafter referred to as "West Linn," all hereinafter collectively referred to as the "Parties."

**RECITALS**

The Parties agree upon the following recitals:

1. WHEREAS, the Parties hereto entered into an intergovernmental cooperative agreement in 1984 to provide for the construction, operation and maintenance of an emergency water system intertie between the water supply system of the Board and West Linn and the water supply system of Lake Oswego; and
2. WHEREAS, the facilities as described in the 1984 agreement, which are located near the intersection of Old River Road and Kenthorpe Way in West Linn, were constructed and the intertie became operable in that same year; and
3. WHEREAS, the intertie has been utilized periodically since 1984 during emergencies to provide emergency water supply between the Parties; and
4. WHEREAS, the planning for the 1984 intertie contemplated future construction of an intertie water pump station in the vicinity of original intertie; and
5. WHEREAS, West Linn has constructed the previously contemplated pump station on Old River Road near its intersection with Kenthorpe Way; and
6. WHEREAS, the pump station was constructed in conjunction with a scheduled shutdown and reconstruction of West Linn's finished water transmission main that is located on the Interstate 205 Bridge; and
7. WHEREAS, this transmission main supplies all of the water to West Linn from the South Fork Water Board; and

8. WHEREAS, the pump station was needed to provide for automatic and unattended operation of the intertie over an extended period of time to provide water supply to West Linn from Lake Oswego during the shutdown of West Linn's transmission main; and
9. WHEREAS, the shutdown of the transmission main commenced in the fall of 2001 and was completed by spring of 2002; and
10. WHEREAS, the intertie pump station and appurtenant facilities provide benefit to all of the Parties to this agreement; and
11. WHEREAS, all of the Parties agree to contribute to the cost of the pump station and appurtenant facilities; and
12. WHEREAS, the Parties desire that this agreement supersede and replace the 1984 agreement; and
13. WHEREAS, the Parties acknowledge that they have authority to execute this cooperative intergovernmental agreement pursuant to the terms of their respective municipal charters and pursuant to ORS 190.010,

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the Parties hereto as follows:

1. "Water Supply Facilities" Defined. As used herein, the term "water supply facilities" means river intakes, raw and finished water pumping facilities, water treatment facilities, water storage facilities, and all other infrastructure used in conjunction with the appropriation, treatment, storage or transmission of the Parties' water.
2. "Emergency Condition" Defined. An "emergency condition" is an occurrence created by a failure of the water supply facilities of the Board, Lake Oswego or West Linn, or the occurrence of an event which jeopardizes the Parties' water quality, whereby insufficient supply to any of the water customers of the Parties could threaten the health or safety of those customers. Such failure includes failure or interruption in the operation of river intakes, raw and finished water pumping facilities, water treatment facilities, raw and finished water pipelines, reservoirs, and appurtenant facilities. Emergency conditions shall not include situations involving loss of water pressure or diminution in water volume in a water distribution system during periods of high demand if the system remains in a normal operational mode, and shall not include scheduled repairs or maintenance.

3. Utilization of Water Intertie.

*Emergency Conditions.* Utilization of the water intertie under emergency conditions, as defined in paragraph 2 above, may be accomplished by the mutual consent of the executive officers of each of the Parties, or their designees.

*Non-Emergency Conditions Less Than Two Weeks.* Sporadic use of the intertie for routine maintenance and repair may be accomplished by the mutual consent of the executive officers of each of the parties or their designees.

*Non-Emergency Conditions Greater Than Two Weeks.* Prolonged use of the intertie for routine maintenance and repair may be accomplished by the mutual consent of the parties provided Lake Oswego gives notice to West Linn at least one month advance notice so that the West Linn governing body may approve the action by resolution.

4. Location and Description of Water System Intertie. The location of the water system intertie is in the vicinity of the intersection of Kenthorpe Way and Old River Road in West Linn. The intersystem connection that was established and constructed in 1984 under the above-referenced prior agreement consists of an 18-inch intertie main approximately 800 feet in length and related appurtenances that are located on Old River Road between Mapleton Drive and Kenthorpe Way. This pipeline connects West Linn's 18-inch diameter transmission main located on Highway 43 to Lake Oswego's 24-inch diameter transmission main located at the intersection of Kenthorpe Way and Old River Road. West Linn has constructed an intertie booster pump station on property located on the west side of Old River Road between Kenthorpe Way and Mapleton Drive. The property is located between Old River Road and Highway 43. The project is described by plans and specifications prepared by Murray, Smith & Associates, Inc. entitled "Contract Documents for Emergency Intertie Water Pump Station" dated November 2000. The pump station connects to, and utilizes, the 18-inch intertie main on Old River Road. The pump station allows the intertie to be used on a continuous and automatically controlled basis in both directions of supply, i.e. Board and West Linn to Lake Oswego and Lake Oswego to West Linn and Board. The pump station includes flow, pressure control, metering and telemetry facilities, and a connection for providing emergency power supply. The pump station, along with the facilities and appurtenances associated with it, as well as the facilities previously constructed in 1984, constitute the water system intertie that is the subject of this agreement.

5. Prorating of Project Costs. West Linn, as the project owner, undertook and completed the water system intertie pump station project. West Linn has maintained accurate cost accounting records relating to the project. The Board agreed to contribute \$100,000.00 to the project cost, which shall be payable in accordance with a payment schedule not to exceed two years. Lake Oswego agreed to contribute to the project a sum equal to 50% of the project cost of the facilities that benefit Lake Oswego, but not to exceed \$65,000. These facilities are defined as the piping, valves, vaults, metering, instrumentation and control systems, and appurtenant facilities that are used to provide water supply to Lake Oswego from West Linn and the Board. The estimated project cost of these facilities which benefit Lake Oswego is \$130,000. "Project cost" as used in this paragraph is defined as the final construction cost of the facilities plus the prorated share of the engineering costs for project which include pre-design, design, bidding and award, construction

management, permits and approvals, operation and maintenance manuals, and intertie operating plan. Project costs do not include property acquisition costs, contractor claims, litigation costs or other extraordinary costs related to the project. Upon completion of the project, West Linn will provide documentation to Lake Oswego for the project costs incurred. Lake Oswego agrees to pay West Linn its contribution toward the cost of such facilities in accordance with a payment schedule not to exceed two years from the date of this agreement.

6. Title to Intertie Facilities. The title to the water system intertie facilities as described above in Paragraph 4 and the obligation to insure them shall be in the name of West Linn. Title to the property occupied by the intertie pump station will be in the name of West Linn.

7. Method of Water Supply Through Intertie. Supply to Lake Oswego from the Board and West Linn will be by gravity through the piping, metering, flow and pressure control facilities associated with the intertie pump station. Supply to West Linn and the Board from Lake Oswego will be accomplished by pumping from Lake Oswego's water system through the intertie pump station into West Linn's system. Instrumentation, control and telemetry systems will be installed in the station and the station will be under the primary control of West Linn. Lake Oswego has installed additional instrumentation, control and telemetry systems that will provide for pump station status indication and additional control functions. West Linn will prepare an operating plan for the intertie pump station and appurtenant facilities and provide copies of same to the Board and Lake Oswego.

8. Quantity of Water to be Supplied. Upon agreement between the parties to make use of the intertie pursuant to Paragraph 3 of this Agreement, the Party supplying water shall endeavor to supply the maximum feasible quantity of water to the other Party, and take all reasonable actions necessary to accomplish the same, so long as such actions are not detrimental to the operation of the supplying Party's own water system.

9. Cost of Water Provided. The Parties agree to pay for all water provided through the intertie at the rate then being paid by West Linn to South Fork for wholesale water. The volume of water delivered shall be measured by the meter installed at the intertie pump station. The Parties shall have the right at any time to review rates for water supplied and make such adjustments to the cost of water provided, as they deem necessary and by mutual agreement of all Parties. In the event it is necessary for a Party supplying water through the intertie to obtain additional water from a water provider not party to this agreement, the water rate charged to the Party receiving water under this agreement shall be the water rate charged to the supplying Party by the non-party water provider. The Parties further agree that water utilized for periodic testing and exercising of the facilities will be furnished between the Parties without cost. In addition to the rate charged for water, the Parties by mutual agreement reserve the right to impose wheeling charges.

10. Operation and Maintenance Costs. The Parties agree that West Linn, as the owner of the intertie facilities, will be responsible for and will pay for the normal day-to-day operation and maintenance costs of the facilities.



11. Repairs, Renewals, Replacements, Upgrading and Modifications. The Parties agree that West Linn, as the owner of the intertie facilities, will be responsible for scheduling, contracting for and implementing any repairs, renewals, replacements, upgrading and modifications that may be required in the future to maintain or increase the function of the facilities.

a) Cost of Repairs: West Linn shall be responsible for the cost of all repairs, except that Lake Oswego agrees to pay 50% of the cost of any repairs necessary to those facilities which benefit Lake Oswego. Those facilities are defined as the piping, valves, vaults, metering, instrumentation and control systems, and appurtenant facilities that are used to provide water to Lake Oswego from West Linn and the Board.

b) Cost of Capital Improvements: The cost of any capital improvements or improvements which increase the function of the facilities will be shared in an equitable manner, based upon the benefit to be derived from each Party from each particular project.

12. Access to Water System Intertie Facilities. The Parties and their employees shall have access to the water system intertie facilities.

13. Agreement Not to Resell Water Without Consent. The Parties agree that they will not resell water supplied under the terms of this agreement without prior written consent of all Parties.

14. Supersedes Prior Agreement. The Parties agree that this agreement supersedes and replaces the prior agreement executed in March and April, 1984.

15. Amendment Provisions. The terms of this agreement may be amended by mutual agreement of the Parties. Any amendments shall be in writing, shall refer specifically to this agreement, and shall be executed by the Parties.

16. Termination of Agreement. This agreement shall continue in effect until terminated by the parties with written notice of such intent to terminate provided to the other Parties. Notice to terminate must be provided at least 36 months prior to the effective date of termination. Termination of this agreement shall not affect the ownership status of the water system intertie facilities hereinabove described.

17. Written Notice Addresses. All written notices required under this agreement shall be sent to:

South Fork Water Board:    General Manager  
   South Fork Water Board  
   15962 S. Hunter Avenue  
   Oregon City, Oregon 97045

City of Lake Oswego:       City Manager  
                                  City of Lake Oswego  
                                  P.O. Box 369  
                                  Lake Oswego, Oregon 97034

City of West Linn:         City Manager  
                                  City of West Linn  
                                  22500 Salamo Road  
                                  West Linn, Oregon 97068

18. Dispute Resolution: If a dispute arises between the parties regarding this Agreement, the Parties shall attempt to resolve the dispute through the following steps:

Step One (Negotiation)

The Manager or other persons designated by each of the disputing Parties will negotiate on behalf of the entity they represent. The nature of the dispute shall be reduced to writing and shall be presented to each Manager, who shall then meet and attempt to resolve the issue. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each Manager and ratified by their respective Board or Council, which shall then be binding upon the Parties.

Step Two (Mediation)

If the dispute cannot be resolved within thirty (30) days at Step One, the parties shall submit the matter to non-binding mediation. The Parties shall attempt to agree on a mediator. If they cannot agree, the parties shall request a list of five (5) mediators from the Presiding Judge of Clackamas County Circuit Court. The Parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, the mediator will be selected by the Presiding Judge of Clackamas County Circuit Court. The cost of mediator shall be borne equally between the Parties, but each Party shall otherwise be responsible for its own costs and fees therefore. If the issue is resolved at this step, a written determination of such resolution shall be signed by each Manager and ratified by their respective Board or Council.

Step Three (Arbitration)

If the Parties are unsuccessful at Steps One and Two, the dispute shall be resolved by binding arbitration proceedings pursuant to ORS Chapter 36. The Parties shall follow the same process as in Step Two for the selection of the arbitrator. Upon breach of this agreement, the nondefaulting Parties shall be entitled to all legal or equitable remedies available, including injunctive relief, declaratory judgment, specific performance and

termination. The prevailing Party(ies) in Step Three shall be entitled to reasonable attorney fees and costs which have been incurred during the Step Three process, as may be awarded by the arbitrator.

IN WITNESS WHEREOF, the Parties have set their hands and affixed their seals as of the date and year hereinabove written.

Board has acted in this matter pursuant to Resolution No. 03-04 adopted on the 20<sup>th</sup> day of November, 2003.

Lake Oswego has acted in this matter pursuant to Resolution No. 03-45 adopted by the City Council on the 21<sup>st</sup> day of October, 2003.

West Linn has acted in this matter pursuant to Resolution No. 03-12 adopted by its City Council on the 3<sup>rd</sup> day of December, 2003.

South Fork Water Board,  
by and through its officials

By: Alice Norris  
Alice Norris, Vice Chair

APPROVED AS TO FORM

By: Peggy Hennessy  
Peggy Hennessy, Attorney

City of Lake Oswego,  
by and through its city officials

By: Judie Hammerstad  
Judie Hammerstad, Mayor

APPROVED AS TO FORM

By: David Powell  
David Powell, City Attorney

By: Jane McGarvin  
Robyn Christie, City Recorder  
Jane McGarvin, Deputy City Recorder

City of West Linn,  
by and through its city officials

By: David Dodds  
David Dodds, Mayor

APPROVED AS TO FORM

By: Tim Ramis  
Tim Ramis, City Attorney

Attest:

Nancy S. Davis (Administrative Assistant)

## Pelz, Zach

---

**From:** Kerr, Chris  
**Sent:** Monday, April 16, 2012 9:27 AM  
**To:** Pelz, Zach  
**Subject:** FW: Letter in Support of Lake Oswego Water Treatment Plant  
**Attachments:** April 14.docx

**Follow Up Flag:** Follow Up  
**Flag Status:** Completed

Chris Kerr, Economic Development Director  
*Economic Development, #1538*

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**From:** Sharon Perry [mailto:sharonlperry@comcast.net]  
**Sent:** Monday, April 16, 2012 8:28 AM  
**To:** Kerr, Chris  
**Subject:** Letter in Support of Lake Oswego Water Treatment Plant

Please find, attached, a letter in support of Lake Oswego Water Treatment Plant. Thank you. Jack and Sharon Perry

April 14, 2011

TO: Chris Kerr/Zach Pelz  
West Linn Planning Commission  
22500 Salamo Drive  
West Linn, OR. 97068

RE: Support of the Lake Oswego/Tigard Water Treatment Plant Conditional Use

Dear Commission Members:

We are writing to support the proposed remodel/expansion of the Lake Oswego water treatment plant located on our street, Kenthorpe Way.

We have lived here for 16+ years and have not experienced one negative consequence of having the water plant as our neighbor. Rather, we have found them to be excellent neighbors.

During a huge snow/ice storm , and again during a wind storm, that blew a tree down across Kenthorpe, essentially blocking us from reaching our home as we returned from work, the plant opened their road from Mapleton, and we used that for 2 days while our road was cleared.

They keep their 'yard' immaculate and contribute to the ambiance of the neighborhood, which is more than we can say about some other neighbors. They even decorate the plant with lights during the winter holidays.

Unlike other neighbors, the plant directly affects us in that the plant has a 10-foot wide right of way on our property, due to a pipe that connects the plant to an outflow . In 16 years, they have twice had to come on our property to repair/maintain the pipe. They give us plenty of notice, they are very respectful of our property and return it to the same state they found it.

We believe our block has benefited from a reduced # of cars and other noise that would have been generated by homes occupying the plant space. In 16+ years, we have only passed one truck going to the plant, and we leave our home multiple times a day. We understand this may increase during the proposed construction, but it would be time limited. We have never been aware of any noise from the plant.

Recently, we were concerned about water accumulation in front of our home and neighboring properties during heavy rain. We contacted Jane Heisler of Lake Oswego and were immediately put in touch with Joel Komareck. He has twice come to our block to meet with us and nearby neighbors to discuss how water problems could be solved as part of the plant expansion and related neighborhood improvements, as well as listened to concerns.

We welcome Lake Oswego Water Treatment Plant as our continuing good neighbor.

Respectfully submitted,

Jack and Sharon Perry  
4546 Kenthorpe Way  
West Linn, OR. 97068

## Pelz, Zach

---

**From:** Kerr, Chris  
**Sent:** Friday, April 13, 2012 4:53 PM  
**To:** Pelz, Zach  
**Cc:** Sonnen, John  
**Subject:** FW: WTP CUP 12-02\_DR 12-04 responses to Bob Martin Questions.4.12.12  
**Attachments:** WTP CUP 12-02\_DR 12-04 responses to Bob Martin Questions.4.12.12.doc

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Let's plan on printing and including as testimony to distribute prior to meeting.

Chris Kerr, Economic Development Director  
*Economic Development, #1538*

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**From:** Komarek, Joel [mailto:jkomarek@ci.oswego.or.us]  
**Sent:** Friday, April 13, 2012 4:10 PM  
**To:** Kerr, Chris  
**Subject:** WTP CUP 12-02\_DR 12-04 responses to Bob Martin Questions.4.12.12

Chris:

Updated responses to Mr. Martin with additional grammatical, spelling, punctuation corrections. Please use this version for any record.

Thanks and have a great weekend.

Joel

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### PUBLIC RECORDS LAW DISCLOSURE

This e-mail is a public record of the City of Lake Oswego and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

*In particular, I want to know:*

*How much water can be drawn into the WTP now and after the modification?*

*Response: Water coming into the plant is dictated by pumping capacity at our Clackamas River Intake pump station (RIPS). Currently, the 'nominal' capacity of the RIPS is 16 million gallons per day (mgd). The 'firm'<sup>1</sup> capacity is just under 12 mgd. We are planning to construct a new RIPS that will be capable of diverting and pumping up to 38 mgd (which is the limit of our permitted state water rights).*

*At what rate can the water be processed in the before and after cases?*

*Response: Over a 24-hour period water can be processed at the rate of 16 mgd today and will be capable of processing up to 38 mgd after the modifications.*

*How much of the plants production can be claimed by LO and by Tigard?*

*Response: Our agreement with Tigard provides that after the modifications are completed, Tigard is entitled to receive up to 14 mgd with the remaining 24 mgd allocable to Lake Oswego. The allocations between the two cities can be adjusted by mutual agreement.*

*What the current demands are for LO and Tigard and what those are projected to be over the next 10 years?*

*Response: Current maximum day demands combined for both cities are approximately 28 – 30 mgd. Maximum day demands are projected to grow to about 32 mgd over the next decade or so.*

*What part of West Linn is served by the plan and how much does it use? In other words, how long does the 3 million gallon reserve last?*

*Response: Mr. Martin will need to clarify this question as I do not understand where is meant by the "3 million gallon reserve..."*

*Clarifying questions posed by Mr. Martin.....*

*Given normal consumption rates in West Linn, how much of West Linn's demand can currently be supplied by the existing plant? This answer could be influenced by the supply rate and the available stored water. If the stored water is a factor, at some point it would be exhausted, so I want to know that duration.*

*Response: It would be inappropriate for me to respond to inquiries regarding consumption rates, stored water capacities and how West Linn's distribution system would be operated during an emergency event. These are matters best answered by West Linn staff. What I can say is that currently during the peak summer demand season, Lake Oswego's ability to provide emergency water to West Linn is constrained to perhaps 1 or 2 mgd at most and could go to zero under adverse circumstances. During low water demand periods and assuming reasonable incoming raw water quality, the current plant could provide West Linn up to 6 mgd. As mentioned above, the duration of supply to West Linn from the current Lake Oswego WTP is subject to a wide variety of events that could occur at any time and reduce or eliminate supply altogether, e.g., mechanical/electrical equipment breakdown, high turbidity events in the river, contamination event in the river, emergency conditions in Lake Oswego, etc.*

---

<sup>1</sup> "Firm capacity" is defined as that total pumping capacity available when the largest pump is out of service due to planned maintenance or repair or unplanned mechanical or electrical failure.

**Then, given the modifications, how would this change?**

**Response:** Many of the risks identified in the response above, are being considered and designed out of the proposed new plant. A more robust treatment process, new equipment, more treatment capacity, and a redundant electrical supply all work together to increase the reliability and resiliency of the plant to continue to produce water year around in all but the most extreme events. The obligations of both Lake Oswego and West Linn do not change as a result of the project under review. It's relatively clear that increasing capacity in Lake Oswego's plant presents an opportunity to provide additional water to West Linn should there be an adverse emergency affecting West Linn's water supply. Exactly how that would work and the numbers you're looking for really can't be answered without reviewing the IGA once more, but what is clear is that the increased capacity that this plant will provide makes it more likely that water would be available to West Linn in an emergency than if the plant capacity were not increased.

**Would we be able to supply more of the demand for a longer duration?**

**Response:** Please clarify who "we" is in the context of the question.

If this is still not clear, I apologize. Call me and we can talk about it a little more. Obviously, there is a lot I don't understand about our water system

**Response:** Chris perhaps it would be useful for Mr. Martin to meet with a member of West Linn's operations staff to better understand West Linn's water system and its capabilities/vulnerabilities and operational constraints.

All this goes to the question, how much emergency capacity is really being provided and how secure is it against demands by LO and Tigard. What emergencies would actually make this valuable to us? Until this is answered, I cannot determine if this proposal actually meets the criteria specified in the comp plan for creating and expanding our backup.

**Response:** The provision of water in emergency situations is governed by the intergovernmental agreement among West Linn, South Fork Water Board, and Lake Oswego. The increase in capacity of this plant will help to ensure Lake Oswego can meet its obligations under that IGA. In addition, the increase in capacity provides the potential for an even greater emergency supply should the IGA be amended in the future. (Chris, if you believe it would be helpful, you may wish to supply the Planning Commission with a copy of the Intergovernmental Agreement among the South Fork Water Board and the cities of West Linn and Lake Oswego.)



## Pelz, Zach

---

**From:** Kerr, Chris  
**Sent:** Friday, April 13, 2012 3:00 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 15453 - 4260 Kenthorpe Way Conditional Use Permit and Design Review - Proposed Expansion of Water Treatment Facilities .

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Print file for record

Chris Kerr, Economic Development Director  
*Economic Development, #1538*

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**From:** Webmaster  
**Sent:** Friday, April 13, 2012 2:50 PM  
**To:** Kerr, Chris  
**Subject:** Citizen Request 15453 - 4260 Kenthorpe Way Conditional Use Permit and Design Review - Proposed Expansion of Water Treatment Facilities .

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

<b>Original Request</b>	<b>04/13/2012</b>	Reference Number:	<b>15453</b>
<b>SummaryDate:</b>			
Name:	<b>Ray Cozby</b>	Status:	<b>Assigned</b>
Email:	<a href="mailto:rcozby@hotmail.com">rcozby@hotmail.com</a>	Source:	<b>online</b>
Phone:	<b>503-675-4577</b>	Assigned To:	<b>ckerr</b>
		Assigned Group:	<b>Planning</b>
Topic:	<b><u>4260 Kenthorpe Way Conditional Use Permit and Design Review - Proposed Expansion of Water Treatment Facilities .</u></b>		
Request Details:	<p>Dear City Council Members, We are West Linn Citizens and we oppose the proposed expansion of the Lake Oswego Water Treatment Plant into our quiet residential neighborhood. Unfortunately I will be out of town next week and unable to attend the meeting on April 18th. In 2009, when we purchased our home directly across the street from the proposed project site we contacted the City of Lake Oswego regarding their plans for the property. They told us that due to the CC&amp;R restrictions they would not pursue expanding the plant onto the Mapleton lots and that they would likely sell them for residential use. With this assurance we purchased our home only to find out that they will now move to condemn the CC&amp;R's and place a huge industrial water plant there. These protections are in place for an important purpose as you well know and the idea that this site, in West Linn, not Lake Oswego, is the only viable alternative they have is not believable. It is the right and obligation of our elected city officials to defend the rights of it's citizens and protect their neighborhoods from the aggressive acts of others. We implore you to do so in this case. Sincerely, Ray and Kim Cozby</p>		
Comment:			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

**Pelz, Zach**

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**From:** Jenne Henderson [hendersonjj@comcast.net]  
**Sent:** Friday, April 13, 2012 2:04 PM  
**To:** Pelz, Zach  
**Subject:** WL planning comm ltr  
**Attachments:** WL planning comm ltr.pdf; ATT00001.txt

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

April 13, 2012

City of West Linn Planning Commission,

I am writing to express my **opposition** to Lake Oswego's proposed expansion of the water treatment facility at 4260 Kenthorpe Way. These are the main reasons I oppose the expansion:

**Not a benefit to the community:** The applicant states that emergency water would be available to West Linn with "greater certainty" if the expansion occurred. This is not a guarantee that water would be available to the City if needed.

Staff has found that the proposal will further other needs of the community, such as open spaces, environmentally sustainable storm water features, right-of-way improvements, and an intra-neighborhood trail. I question how these are actual benefits to the City, other than being able to state that these are in existence, whether we need them or not. For example, would the storm water features be necessary if the expansion did not happen? And, how are open spaces a benefit over the trees and natural surroundings that are already present? If the applicant builds an intra-neighborhood trail it would save West Linn from having to do it. I don't understand why this is a necessary item for anyone to build. The neighborhoods are already connected via Old River road/Willamette drive. In my mind, the drawbacks to the expansion are greater than the benefits.

**Not consistent with council goals and comprehensive plan:** City council goal #11 states that *compatibility with existing development* should be a primary goal in West Linn's land use process. In this case, the existing development is a residential neighborhood. The Mapleton neighborhood was established well-

before Lake Oswego built their water treatment plant. To put it simply, the water treatment plant expansion does not belong in a residential neighborhood.

Also, the comprehensive plan indicates that West Linn's beautiful, natural environment is one of the principal reasons people come to the City to live and work. A goal of the City is to preserve the character and identity of established neighborhoods. The Mapleton neighborhood has a lot of character and identity, with a narrow windy road, older homes, and mature landscaping. Expanding the plant into this quiet, unique neighborhood would forever change the nature of the area.

**Neighborhood Safety:** The proposed expansion would mean more chemicals and hazardous materials in the middle of a residential area, a short distance from an elementary school. In addition, the applicant proposes to store a large quantity of water on the southern end of their property. They have not agreed to taking responsibility for any damage that would occur with any type of leak or reservoir failure.

**Opposed by Many:** At least four of the Neighborhood Associations have voted to oppose the plant expansion, including the Robinwood Association where the plant resides.

Thank you for taking the time to read my concerns. I hope you will agree with me that the plant expansion would not be in West Linn's best interests and deny the application.

Thank you,

Jenne Henderson

4130 Mapleton Drive

## Pelz, Zach

---

**From:** Kerr, Chris  
**Sent:** Friday, April 13, 2012 1:35 PM  
**To:** Stowell5050@aol.com  
**Cc:** Pelz, Zach  
**Subject:** RE: LOT Water Project

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Thanks Bob – I'll forward these to the Planning Commission.

CK

Chris Kerr, Economic Development Director  
Economic Development, #1538

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**From:** Stowell5050@aol.com [mailto:Stowell5050@aol.com]  
**Sent:** Friday, April 13, 2012 1:14 PM  
**To:** Kerr, Chris  
**Subject:** Re: LOT Water Project

In a message dated 4/13/2012 1:11:41 P.M. Pacific Daylight Time, [Stowell5050@aol.com](mailto:Stowell5050@aol.com) writes:

Just a couple of concerns.

**Noise:**

There are unanswered questions re: noise impacts at specific locations where new infrastructure is proposed. For example, the applicant proposes locating a series of electrical transformers on the west side of the new clear well. It does not appear the infrastructure will be below ground or in the building, transformers are notoriously noisy.

**Power backup:**

They propose power from two directions. What happens if power is out in the region. A small generator is not enough.

**Need:**

The LOTWP application does not include any discussion for why this use is needed at this location. There is no discussion of alternative sites that may have been considered which could avoid redevelopment of the residential site for a non-residential use. The use is allowed conditionally on the underlying zone, but the fact that this utility infrastructure provides limited direct benefit to West Linn residence in general and Robinwood neighbors specifically draws into question why this use should be allowed here. The arguments that all pipes lead here is specious because all of the supply and delivery pipelines need to be replaced to accommodate the larger volume of water the new plant will produce. The fact Foothills was not thought about was because of other ideas for that location. Now that the street car is dead this would be an ideal location.

**Inter tie:**

This has been pushed for years as the main benefit. How many times must this be accepted.

Thank you

Robert Stowell  
2606 Maria Ct.  
West Linn Oregon 97068  
503-636-3915

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Friday, April 13, 2012 1:18 PM  
**To:** Worcester, Ken; Pelz, Zach; Wright, Dennis; Warner, Kenneth  
**Subject:** FW: CUP 10-03 'Learning To Walk' on Slate\_Lessons Learned

John Sonnen, Planning Director  
Planning and Building, #1524

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

**From:** GARY [mailto:hitesman@q.com]  
**Sent:** Friday, April 13, 2012 12:19 PM  
**To:** CWL Planning Commission  
**Cc:** Sonnen, John  
**Subject:** CUP 10-03 'Learning To Walk' on Slate\_Lessons Learned

As I witness the construction of pathways leading to the new Trillium Creek Elementary School and the sidewalk on Rosemont, this article series appears relevant and appropriate for Commissioners to view, if they feel so inclined.

Before the summer is out, I hope the commission has enough time in their schedule to review pedestrian crossings at Santa Anita, Hidden Springs, and the narrow walkway along Rosemont Road where pedestrians are trapped along a very sterile looking black fence and roadway. This is perhaps another failed engineering solution that has plagued the Hidden Springs neighborhood.

Gary Hitesman

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

I thought you might find this Slate article interesting:

Learning To Walk

By Tom Vanderbilt

[http://www.slate.com/articles/life/walking/2012/04/walking\\_in\\_america\\_how\\_we\\_can\\_become\\_pedestrians\\_once\\_more.html?wpisrc=sl\\_ipad](http://www.slate.com/articles/life/walking/2012/04/walking_in_america_how_we_can_become_pedestrians_once_more.html?wpisrc=sl_ipad)

Sent via pitter-patter keyboard=



## Pelz, Zach

---

**From:** Michael Babbitt [michael@michael-babbitt.com]  
**Sent:** Friday, April 13, 2012 10:21 AM  
**To:** Sonnen, John  
**Cc:** Kerr, Chris; Pelz, Zach  
**Subject:** RE: Hearing for CUP 12-02 - Request to PC Chair regarding NA presentation  
**Attachments:** image003.gif; image004.jpg

The neighborhood associations will for sure get 10 minutes. If there is a large group of people who would like to give coordinated testimony that is ok. If the group needs more than 10 minutes, let me know prior to the hearing and as long as it is reasonable I don't have a problem with extra time if it will make more efficient testimony. Just so long they are aware that if they testify as a group they won't be allowed to testify again as an individual that night.

They also all still need to fill out a separate testimony form, and indicate they wish to testify as part of the group.

Thanks,  
Michael

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**From:** Sonnen, John [mailto:[JSONNEN@westlinnoregon.gov](mailto:JSONNEN@westlinnoregon.gov)]  
**Sent:** Friday, April 13, 2012 9:53 AM  
**To:** Babbitt, Michael  
**Cc:** Kerr, Chris; Pelz, Zach  
**Subject:** FW: Hearing for CUP 12-02 - Request to PC Chair regarding NA presentation

Hi Michael, please see the email below. Also, the question was asked whether are you going to allow reps from all neighborhood associations 10 minutes. Hidden Springs will probably weigh in.  
John

**West Linn** CITY OF  
John Sonnen  
[JSONNEN@westlinnoregon.gov](mailto:JSONNEN@westlinnoregon.gov)  
Planning and Building Director  
22500 Salamo Rd.  
West Linn, OR 97068  
P: (503) 723-2524  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

*West Linn Sustainability* Please consider the impact on the environment before printing a paper copy of this email.

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**From:** RNA Great Neighbor Committee [<mailto:rnagnc@gmail.com>]  
**Sent:** Wednesday, April 11, 2012 10:55 AM

**To:** Sonnen, John  
**Cc:** Pelz, Zach; Kerr, Chris  
**Subject:** Hearing for CUP 12-02 - Request to PC Chair regarding NA presentation

The RNA heard the presentation from Peter Spir Tuesday evening and subsequently developed a request to forward to the PC chair regarding the hearing.

Item 8 of the handout delineates a 10 minute block of time for the NA president to make a presentation. RNA President Tony Bracco's work schedule has not permitted him to attend meetings and to keep pace with current developments.  
Hopefully you receive communication directly from him.

In the interest of a more efficient hearing, the RNA GNC would like to present a coordinated response, at the appropriate time, with several speakers from the GNC covering different topics. This would not take any more time, as all of these individuals are entitled to 5 minutes. We hope that this will lead to a more efficient hearing, as subsequent speakers might shorten their remarks, referring to the GNC presentation, or decline to speak, since their topic was already covered.

Kevin Bryck, Chair

RNA Great Neighbor Committee

[RNAGNC@gmail.com](mailto:RNAGNC@gmail.com)

<http://rnagreatneighbors.blogspot.com/>

**Pelz, Zach**

---

**From:** Anna Wheeler [annaw@hevanet.com]  
**Sent:** Thursday, April 12, 2012 4:17 PM  
**To:** Pelz, Zach  
**Subject:** Lo water treatment expansion  
**Attachments:** City of West Linn Planning Commission.wps

To: City of West Linn Planning Commission  
04-11-2012

[ZPELZ@WESTLINNOREGON.GOV](mailto:ZPELZ@WESTLINNOREGON.GOV)

CUP-12-02

From: Anna Wheeler & Brian Wheeler  
4300 Mapleton Drive  
West Linn, Oregon 97068

I have been a resident of West Linn for almost 9 years. Our family moved here because of the beautiful parks and community. We have two children which attend Cedaroak primary school. Our driveway is directly across the street from the proposed expansion.

### **I oppose the LO water treatment plant expansion on Kenthorpe!**

My concerns are as follows and are not necessarily in any order:

1. The Safety of our Neighborhood.- It will double the amount of chemicals to be used in the water treatment plant.
2. Loss in Property value. Living next to an industrial water treatment plant will make it difficult to sell my property and receive market value for the home.
3. Environmental effects on the Clackamas river. Doubling the amount of water to be taken out of the Clackamas river will have a huge impact especially in the summer months for recreation, fishing and the habitat.
4. Transportation impact: during construction the delays and hassle caused by this will disrupt travel on Mapleton Drive, Kenthorpe, Cedar Oak Drive and HWY 43 throughout the area.

Thank you for listening to my concerns.

Anna Wheeler

## Pelz, Zach

---

**From:** Curt Sommer [curt.sommer@comcast.net]  
**Sent:** Thursday, April 12, 2012 12:51 PM  
**To:** Pelz, Zach  
**Subject:** LOTWP CUP 12-02

Dear Mr. Pelz;

I am writing to submit comments regarding the above referenced application in lieu of public testimony before the Planning Commission on April 18th. It is my understanding this email will ensure standing in future hearings and meetings on this application.

I am writing to express my support for the Robinwood Neighborhood Association resolution in opposition to this application which was passed at a regular RNA meeting. The proposed application would not provide any benefit to the neighborhood or community that doesn't already exist. The development would be an undue burden on the neighborhood for a project that doesn't even serve the community of West Linn. This community is not an industrial park for Lake Oswego to develop municipal projects. Lake Oswego can develop their projects within their city limits.

Additionally, this project is about selling water to Tigard, which does not provide any benefit to West Linn. Would this project have been approved if our City Manager wasn't a current resident of Lake Oswego, as well as a former employee of the City of Lake Oswego? As much as they would like it to be so, I don't see any benefit nor would I be grateful for enduring 2 plus years of construction traffic in our neighborhood and along Highway 43.

I urge the Planning Commission to deny the proposed application and protect the integrity of the neighborhood and community.

--

Regards,

Curt Sommer and Joy Kent  
18490 Lower Midhill Dr  
West Linn, OR 97068  
503.407.1826

## Pelz, Zach

---

**From:** Jana Rea [flyartcreations@comcast.net]  
**Sent:** Thursday, April 12, 2012 10:48 AM  
**To:** Pelz, Zach  
**Subject:** letter to the WL Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

April 12, 2012

City of West Linn Planning Commission,

My name is Jana Rea and I live at 4240 Mapleton Drive in West Linn. Our property is across the street from the lots purchased by Lake Oswego to expand their water treatment plant. I am opposed to the expansion of their water treatment plant for the following reasons.

1. The lots purchased for expansion are covered by CC&R's that say residential use only. When we bought our property in 1990 we purchased land in a neighborhood, not an industrial area. Increasing the plant size will change the immediate neighbor-hood, the Robinwood neighborhood, and our property values will go down which means less tax income for West Linn.
2. Doubling the size of the water treatment plant will bring in double the chemicals. This is a huge health hazard not only to the neighborhood but also the elementary school that is less than a mile away.
3. LO is taking water that they have rights to and are selling it to a community that do not have rights to it. LO does not need the huge increase of water they are taking for their own community; they are doing it to make lots of money from Tigard.
4. The increased amount of water taken from the Clackamas River will be harmful to the fish and wildlife and takes water away from those communities that have rights to that water.
5. West Linn has always prided itself for it's beautiful trees and protecting those trees. Already a large number of trees have been removed because they supposedly were hazardous yet had not caused problems. There are a lot more beautiful old trees on those properties that will be removed to expand the plant. Even if trees are eventually replanted it will take our lifetime for the neighborhood to recover from the loss of what is taken out.
6. There is a lot of wildlife that will be displaced by the expansion of the water treatment plant. To name one, a family of pheasants now roams our neighborhood and they will no longer have a place to live.

7. The construction traffic that comes with the expansion will make a nightmare for traffic not only on Mapleton and Kenthorpe but also on Highway 43. This is a huge project that will take years to complete. Highway 43 already has issues without this being added to it.
  
8. I see no benefits coming to West Linn from the expansion of the water treatment plant. All the benefits LO list already exist and are also a benefit to them.

The list goes on. As a resident of West Linn I strongly oppose the expansion not only for our neighborhood but also for the whole city, which will be affected by this expansion, should it be approved. I am asking the Planning Commission to protect their citizens from an expansion that will not be in the cities best interest or the resident's best interest.

Sincerely,

Jana Rea

## Pelz, Zach

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**From:** Sonnen, John  
**Sent:** Wednesday, April 11, 2012 1:25 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 15460 - Lake Oswego's proposed expansion of their water treatment plant on Mapleton Drive

John Sonnen, Planning Director  
Planning and Building, #1524

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**From:** Webmaster  
**Sent:** Wednesday, April 11, 2012 11:10 AM  
**To:** Sonnen, John  
**Subject:** Citizen Request 15460 - Lake Oswego's proposed expansion of their water treatment plant on Mapleton Drive

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

<b>Original Request</b>	<b>04/11/2012</b>	Reference Number:	<b>15460</b>
<b>SummaryDate:</b>			
<b>Name:</b>	<b>Steve Hopkins</b>	<b>Status:</b>	<b>Assigned</b>
<b>Email:</b>	<a href="mailto:SFHopkins9@aol.cm">SFHopkins9@aol.cm</a>	<b>Source:</b>	<b>online</b>
<b>Phone:</b>	<b>503-635-7465</b>	<b>Assigned To:</b>	<b>jsonnen</b>
		<b>Assigned Group:</b>	<b>Planning</b>
<b>Topic</b>	<a href="#"><u>Lake Oswego's proposed expansion of their water treatment plant on Mapleton Drive</u></a>		
<b>Request Details:</b>	Planning Commission: Please record my interest in having the opportunity to communicate with you concerning the adverse affects of Lake Oswego's treatment plant expansion on our residential neighborhood. I understand that you need information of a certain type and form. Can you refer me to a source for the template? Thanks, Steve Hopkins		
<b>Comment:</b>			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.



## Pelz, Zach

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**From:** Sonnen, John  
**Sent:** Wednesday, April 11, 2012 1:24 PM  
**To:** Kerr, Chris; Pelz, Zach  
**Subject:** FW: Meeting with the Water Partnership Oversight Committee

John Sonnen, Planning Director  
Planning and Building, #1524

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**From:** Kevin Bryck [mailto:kevinbryck@comcast.net]  
**Sent:** Wednesday, April 11, 2012 10:58 AM  
**To:** Sonnen, John  
**Subject:** Meeting with the Water Partnership Oversight Committee

Forgot to copy you on this.

Begin forwarded message:

**From:** Kevin Bryck <[kevinbryck@comcast.net](mailto:kevinbryck@comcast.net)>  
**Subject:** Re: Meeting with the Water Partnership Oversight Committee  
**Date:** April 10, 2012 10:39:31 PM PDT  
**To:** "Heisler, Jane" <[jheisler@ci.oswego.or.us](mailto:jheisler@ci.oswego.or.us)>  
**Cc:** Pelz Zach <[zpelz@westlinnoregon.gov](mailto:zpelz@westlinnoregon.gov)>

Sorry about the late response, but finally caught up with all the actors at the RNA this evening - everyone is onboard for Thursday.

FYI, The RNA adopted the following this evening:

At the monthly meeting of the Robinwood Neighborhood on Tuesday, April 10, 2012,  
Resolved:

If the Mayors of Lake Oswego and Tigard and the LOTWP Oversight Committee wish to enter into serious negotiations with the GNC, regarding mitigations and community benefits, then the RNA requests that the LOTWP should waive the 120 day Planning Rule, so that the Planning Commission hearing for CUP 12-02, scheduled for Wednesday, April 18, 2012, may be rescheduled.

If there is truly a good faith effort to arrive at consensus, there is insufficient time for everyone to properly review new Conditions of Approval prior to the scheduled hearing.

On Apr 9, 2012, at 11:31 AM, Heisler, Jane wrote:

Kevin,

This email is a follow-up to our phone conversation this morning. Mayors Dirksen and Hoffman have scheduled an Oversight Committee meeting to be held this Thursday, April 12 from 6-7 p.m. (in the West End Building, 4101 Kruse Way, Lake Oswego) with the same four Robinwood residents that met at Representative Parrish's house in recent weeks. I understand that includes you, Lamont, Eric Jones and David Newell. Could you please forward this to David Newell, as I do not have his email address. Thanks.

The Mayors would like to continue the discussion they started with you, with the entire Oversight Committee, particularly focusing on some of your unanswered questions. Let me know if you will be able to attend. I am also attaching the list of Robinwood GNC mitigations with Partnership comments.

Let me know if you have any question. I look forward to seeing you on Thursday.

Jane Heisler | Communications Director | Lake Oswego-Tigard Water Partnership | Voice - 503-697-6573 | Mail - P. O. Box 369, Lake Oswego, OR 97034 | [lotigardwater.org](http://lotigardwater.org)

<image003.jpg>

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<Mitigation List Adopted 12-13-11 with Partnership Comments (2).pdf>

## Pelz, Zach

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**From:** RNA Great Neighbor Committee [rnagnc@gmail.com]  
**Sent:** Wednesday, April 11, 2012 10:55 AM  
**To:** Sonnen, John  
**Cc:** Pelz, Zach; Kerr, Chris  
**Subject:** Hearing for CUP 12-02 - Request to PC Chair regarding NA presentation

The RNA heard the presentation from Peter Spir Tuesday evening and subsequently developed a request to forward to the PC chair regarding the hearing.

Item 8 of the handout delineates a 10 minute block of time for the NA president to make a presentation. RNA President Tony Bracco's work schedule has not permitted him to attend meetings and to keep pace with current developments.

Hopefully you receive communication directly from him.

In the interest of a more efficient hearing, the RNA GNC would like to present a coordinated response, at the appropriate time, with several speakers from the GNC covering different topics.

This would not take any more time, as all of these individuals are entitled to 5 minutes.

We hope that this will lead to a more efficient hearing, as subsequent speakers might shorten their remarks, referring to the GNC presentation, or decline to speak, since their topic was already covered.

Kevin Bryck, Chair

RNA Great Neighbor Committee

[RNAGNC@gmail.com](mailto:RNAGNC@gmail.com)

<http://rnagreatneighbors.blogspot.com/>

## Pelz, Zach

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**From:** Kerr, Chris  
**Sent:** Wednesday, April 11, 2012 10:44 AM  
**To:** Pelz, Zach  
**Subject:** FW: GNC Chair testimony at PC hearing

For file

Chris Kerr, Interim Assistant City Manager  
*Administration, #1538*

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**From:** Spir, Peter  
**Sent:** Wednesday, April 11, 2012 10:21 AM  
**To:** Kevin Bryck  
**Cc:** Sonnen, John; Kerr, Chris  
**Subject:** GNC Chair testimony at PC hearing

Kevin

After last night's RNA meeting I raised the question with staff as to how long the GNC chair would have to testify at the PC hearing.

Would you get the same (10 minutes) as a neighborhood president?

Chris Kerr proposed that you make your request for ten minutes by email to John Sonnen or by responding to this e-mail. Alternately you could make the request at the PC hearing.

Best regards

Peter

Peter Spir, Associate Planner  
*Planning and Building, #1539*

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**Pelz, Zach**

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**From:** Spir, Peter  
**Sent:** Wednesday, April 11, 2012 8:23 AM  
**To:** Kerr, Chris; Pelz, Zach  
**Subject:** here is the document I presented at the Robinwood NA meeting 4/10/12  
**Attachments:** public hearing procedures.docx

Peter Spir, Associate Planner  
*Planning and Building, #1539*

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## Product or procedure

## Applicable date or allotted time

Staff report is available at City Hall and the Library.

Friday, April 6 by 5pm

The report is posted online at the City's website under [http://westlinnoregon.gov/sites/default/files/projects/cup-12-02\\_staff\\_report\\_final-ck\\_4\\_6\\_2012\\_for\\_web.pdf](http://westlinnoregon.gov/sites/default/files/projects/cup-12-02_staff_report_final-ck_4_6_2012_for_web.pdf)

Deadline for submittal of letters, e-mails or other material so that it will be assembled and mailed to the Planning Commission so they can read your submittal before the hearing

Thursday, April 12 by 4:30pm

Deadline for submittal of letters, e-mails or other material so that it will be assembled and physically distributed to the Planning Commission at their work session 30 minutes before the hearing. Their ability to read your submittal at this time will be limited.

Wednesday, April 18 by 12pm

Submittal of letters or other material at the hearing itself requires at least 15 copies for the Planning Commission, City Staff, City Attorney and the applicant. Their ability to read your submittal at this time will be very limited.

Wednesday, April 18 at 7:30pm at the Planning Commission hearing

Use of audiovisual equipment (including thumb drives, etc.) and charts for presentations at the hearing.

Call planners Zach Pelz or Chris Kerr at 656-4211 by Wednesday, April 18 by 12pm otherwise equipment may not be available or compatible.

Amount of time individuals have to testify at the Planning Commission hearing. Please complete "Sign in/Testimony" form.

5 minutes\*

Amount of time the applicant will have to testify at the Planning Commission hearing. Please complete "Sign in/Testimony" form. 20 minutes\*

Amount of time neighborhood president will have to testify at the Planning Commission hearing. Please complete "Sign in/Testimony" form. 10 minutes\*

Amount of time the applicant will have to rebut testimony or make closing statements at the Planning Commission hearing 10 minutes\*

Audience applause, cheering, booing, disruptive or abusive behavior Not permitted

If you would like additional time to submit material or evidence into the record you are entitled to ask the Planning Commission that the record is left open for at least seven days. An additional seven days are usually allotted for the applicant to review and respond to this submittal(s). The Planning Commission will then continue the hearing to a date certain (usually two weeks later). An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. Prior to conclusion of the Planning Commission hearing

\*All time limitations listed above are typical and are subject to modification at the discretion of the Planning Commission Chair. If you will require more time to testify, you are advised to request it prior to speaking; however, the Chair is not required to accommodate the request, particularly if there are a large number of people wishing to testify. /Project

folder

## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Wednesday, April 11, 2012 7:21 AM  
**To:** CWL Planning Commission; Pelz, Zach  
**Cc:** Sonnen, John; Heisler, Jane  
**Subject:** LUBA Appeal for CUP 12-02

The amount of MISREPRESENTATION on part of the cities and the partnership **are EPIC**. And our own city staff, department directors, city manager, and councilors have supported a severe interpretation of "ex parte" that appears to undermine the intent of Goal One Citizen Participation and allow the epic proportion of misrepresentation to perpetuate.

I can provide proof beyond doubt of the misrepresentation supplanted through the documentation. I intend to use the beery memo, outline council rule policies, and the manufacturing of misrepresentations as the rationale to overturn approval of CUP 12-02, should it ever be approved as it is currently proposed.

Example One: Staff recommendation regarding ADT's misrepresents intended Use and misleads the Planning Commission and the public.

It took me awhile, but I am now good to go. Deny CUP 12-02.

Gary Hitesman

PS. A big shout out to Chris Jordan for compelling me to move my fence that had encroached into City Owned ROW. It was over the weekend working on the fence that I had my epiphany.



## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Wednesday, April 11, 2012 6:42 AM  
**To:** Kevin Bryck; CWL Planning Commission; Pelz, Zach  
**Cc:** Jordan, Chris; CWL Council; Heisler, Jane; RNA Great Neighbor Committee; Sonnen, John  
**Subject:** Re: CUP 12-02 RNA Resolution And Recommendation for Remand

### RECOMMENDATION:

The Planning Commission remands the applicant to come up with a valid community benefit OF THE WTP, not the pipeline. AND, as voted upon by the Robinwood community, complete the following;

- #1.) pull the application and/or waive the 120 day planning rule,
- #2.) reschedule the hearing to a date certain agreeable to all parties,
- #2.) WL to provide professional and objective arbitration regarding impacts and benefits,
- #3.) and have LOTP resubmit.

### SUMMARY:

What is CUP 12-02 about?

LO-Tigard REQUEST to allow an industrial major utility to increase 115% in size (doubling in size) in a R-10 zone located on a cul-de-sac and in a geological unstable area and near sensitive riparian zones, including one of only two salmon bearing streams located within West Linn.

### PART ONE

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

**From:** [Kevin Bryck](#)  
**To:** [GARY](#)  
**Sent:** Tuesday, April 10, 2012 10:30 PM  
**Subject:** Re: CUP 12-02 RNA Resolution

On Apr 10, 2012, at 6:41 PM, GARY wrote:

Typical LO mindset. It is never the project that is at fault but the one individual LO can set up as the scapegoat.

Who is Kevin?

### PART TWO

Over the last year, I have witnessed citizen participation misused, abused, marginalized, and deeply discounted. It all started with Janet Hiesler getting frustrated with Robinwood because residents were concerned with what LOTP was saying. At that same first meeting, Robinwood was shown a building that I had designed while at MWA and the building was sold to the neighborhood as an example of what the building might look like. Unfortunately, the meeting went further south and Joel Komerak said that the LOTP might also start condemning the covenants as it was a right of theirs.

Today, LOT has started the condemnation process and the building proposed is an abomination compared to what they first offered as an example. And now the Mayors of Tigard and Lake Oswego are entering into private discussions with a select few residents.

There is one thing I am absolutely certain about. The amount of MISREPRESENTATION on part of the cities and the partnership **are EPIC**. And our own city staff, department directors, city manager, and councilors have supported a

severe interpretation of "ex parte" that appears to undermine the intent of Goal One Citizen Participation and allow the epic proportion of misrepresentation to exist.

*I cannot find the right code that addresses misrepresentation nor what to do about it. But that is the problem the Planning Commission must decide upon.* Either approve the plan along with all the misrepresentations and outright lies, or ask the right questions that inform you of the real potential impacts of the Water Treatment Plant.

In reviewing the staff report, I am encountering page after page of misrepresentations and maligned figures to falsely support this project. The WTP appears to provide no local merit or benefit. The Robinwood neighborhood should be thanked for helping me solidify my observations and assistance in identifying what is wrong with CUP 12-02.

## Pelz, Zach

---

**From:** Kevin Bryck [kevinbryck@comcast.net]  
**Sent:** Tuesday, April 10, 2012 10:40 PM  
**To:** Heisler, Jane  
**Cc:** Pelz, Zach  
**Subject:** Re: Meeting with the Water Partnership Oversight Committee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sorry about the late response, but finally caught up with all the actors at the RNA this evening - everyone is onboard for Thursday.

FYI, The RNA adopted the following this evening:

At the monthly meeting of the Robinwood Neighborhood on Tuesday, April 10, 2012,  
Resolved:

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If there is truly a good faith effort to arrive at consensus, there is insufficient time for everyone to properly review new Conditions of Approval prior to the scheduled hearing.

On Apr 9, 2012, at 11:31 AM, Heisler, Jane wrote:

Kevin,

This email is a follow-up to our phone conversation this morning. Mayors Dirksen and Hoffman have scheduled an Oversight Committee meeting to be held this Thursday, April 12 from 6-7 p.m. (in the West End Building, 4101 Kruse Way, Lake Oswego) with the same four Robinwood residents that met at Representative Parrish's house in recent weeks. I understand that includes you, Lamont, Eric Jones and David Newell. Could you please forward this to David Newell, as I do not have his email address. Thanks.

The Mayors would like to continue the discussion they started with you, with the entire Oversight Committee, particularly focusing on some of your unanswered questions. Let me know if you will be able to attend. I am also attaching the list of Robinwood GNC mitigations with Partnership comments.

Let me know if you have any question. I look forward to seeing you on Thursday.

Jane Heisler | Communications Director | Lake Oswego-Tigard Water Partnership | Voice - 503-697-6573 | Mail - P. O. Box 369, Lake Oswego, OR 97034 | [lotigardwater.org](http://lotigardwater.org)

<image003.jpg>

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<Mitigation List Adopted 12-13-11 with Partnership Comments (2).pdf>

## Pelz, Zach

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**From:** Sonnen, John  
**Sent:** Tuesday, April 10, 2012 4:07 PM  
**To:** Pelz, Zach; Kerr, Chris  
**Subject:** FW: CUP 12-02 - Broad recommendations for denial

John Sonnen, Planning Director  
Planning and Building, #1524

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**From:** GARY [mailto:hitesman@q.com]  
**Sent:** Tuesday, April 10, 2012 2:47 PM  
**To:** CWL Planning Commission  
**Cc:** RNA Great Neighbor Committee  
**Subject:** CUP 12-02 - Broad recommendations for denial

The CUP is incomplete and non-compliant along several fronts.

#1) The site is not sufficient in size to fit a 38 mgd WTP in the R-10 Robinwood zone.

#2) The ADT calculations and daily trips impacts Kenthorpe without mitigation.

#3) The emergency egress takes users right by secured water processing, chemicals, and truck loading areas, land locking 10 homes on Kenthorpe from adequate emergency access or egress.

#4) The scale, height, and architecture of the Admin building and other support buildings do not meet Chp. 55.

#5) Facility sewage needs are not described nor quantified and the City just wants money for "sewers". The chemical sludge is never addressed.

#6) Stormwater calculations have not been performed and the sustainable options are tokens and ineffective in controlling pollutants and chemical residue that will emanate from the WTP.

#7) I'll fill in something else later about Goal One failures. (Public participation and the CIC are jokes.)

#8) The setbacks for the driveways are insufficient. Too much impervious surfaces.

#9) Chemical identification, delivery, storage, use, disposal, off gassing, and emergency plans are all missing from the report. That is because the CDC is not set up to provide guidance on a Water Treatment Plant. This industrial scaled WTP is only fit for an industrial zone and proves why the West Linn Water Master Plan is a failure.

#10) The WTP provides **no community benefit** and does not meet many of the Comprehensive Master Plan objectives. The one potential benefit is the intertie, which is not part of this application.

#11) No qualified engineering review has taken place. There is no engineering authority who can take responsibility for this besides Chris Jordan. Poor stewardship and mismanagement by Chris Jordan on this application will lead to his resignation. This proposal is nothing but a gross and blatant attack on the Robinwood community and is without precedent or justification.