

EXHIBIT PC-7
LOTWP MEETING FACILITATION PROJECT
REPORT FROM GREG MCKENZIE

FILE NO.: CUP-12-04/DR-12-14/MISC-12-10/WA-12-03/WR-12-01

REQUEST: Conditional Use, Class II Design Review, Class II Parks Design Review, Flood Management Area (FMA), Water Resources Area (WRA), and Willamette River Greenway (WRG) approval to install a 42-inch raw water pipe (RWP) and 48-inch finished water pipe (FWP) in the City of West Linn.



Memorandum

Date: October 3, 2012

To: John Sonnen, Planning Director

From: Chris Jordan, City Manager *CJ*

Subject: Lake Oswego-Tigard Project: Consultant's Report

To assist with the neighborhood engagement process associated with the Lake Oswego-Tigard water project, we hired Greg McKenzie as a consultant to the City of West Linn to facilitate discussions between the various parties. At our request, Mr. McKenzie has completed the attached report detailing this process and the outcomes.

Please include Mr. McKenzie's report as part of the staff report for the Planning Commission on this application. Please let me know if you have any questions.

Attachment



Consultant Report

Training • Assessment • Facilitation • Search

DATE: October 3, 2012
FROM: Greg McKenzie, Consultant
TO: Chris Jordan, City Manager
City of West Linn

SUBJECT: LOTWP Meeting Facilitation Project Report

Consultant's Caution

PLEASE NOTE. READ THIS FIRST. The observations and opinions expressed by the Consultant herein are his and his alone without influence from any of the parties or participants involved. This report has not been circulated to anyone in draft form for review and comment.

Scope of Facilitation Project

On June 18, 2012, Consultant (Facilitator) was requested by City Manager, Chris Jordan of West Linn, Oregon (C of WL) to provide facilitation services for a series of neighborhood meetings about the Lake Oswego-Tigard Water Treatment Project (LOTWP) which included expansion of the Plant located on Kenthorpe Way and installation of pipes along Highway 43. Specifically, the Scope of Work included:

- A. Coordinate, organize and facilitate a series of community meetings developed jointly by City and Consultant relating to the Lake Oswego-Tigard Water Treatment Project ("Project"), including but not limited to research, study documents, investigation, correspondence, telephone calls, meetings with participants and such other activities as may be necessary to conduct the work.
- B. Prepare a written report of the Consultant's activities and results of community meetings.
- C. Liaison with City, citizens and Project partners about the project.

The terms of the facilitation project agreement between Consultant and City granted Consultant authority to act impartially while maintaining confidentiality about conversations with various groups and individuals. Specifically, the agreement provided:

10. **Impartiality of Contractor.** Both City and Contractor understand that the Contractor is to be impartial as to party and neutral as to the results for the Scope of Work. Therefore, the Contractor will not advocate the interests of any party over another. City agrees that the services provided by Contractor under the terms of this agreement shall be independent from and not under the supervision and control of City, Project partners or citizens. Contractor may hold either separate or joint meetings between the City, Project partners and/or citizens regarding the work of this agreement.

The idea for a series of neighborhood meetings originated in a letter dated May 16, 2012 from LOTWP attorney Edward Sullivan advising the West Linn Planning Commission of a plan to conduct such meetings to engage the neighbors who appeared at a Planning Commission hearing on April 18, 2012 to oppose the approval of a land use permit to expand the Lake Oswego Water Treatment Plant located on Kenthorpe Way (CUP 12-02). Later the Conditional Use application for the water lines (CUP 12-04) was consolidated with the plant expansion application. Thus, the discussions and meetings associated with this facilitation project involved elements of both plant expansion and pipe construction. Although numerous and various types of meetings had been held between the groups involved previously, both complained that little or no dialogue had occurred between them about the project and concerns from the neighbors.

Attorney Sullivan's letter framed the need for these meetings as follows in his letter:

"3. Conduct Further Discussions with the Affected Neighborhood Associations and Individual Neighbors

While there may be those who would not support the project under any circumstances, there is an opportunity to discuss additional mitigation efforts that would make the proposal better, particularly with respect to construction issues, and fulfill our objective of making the completed project an even better neighbor to those who live in the area."

C of WL retained the services of Consultant to facilitate a series of meeting for the purposes described in the Attorney Sullivan letter. Consultant interpreted his charge to include an attempt to accomplish the following:

1. Create an environment whereby all parties felt confident their voices would be heard.
2. Establish channels of communication for future conversations between LOTWP and the neighbors.
3. Develop a methodology for joint party discussions about substantive issues.
4. Identify representative individuals for each group to participate in the conversations.
5. Assemble representatives of all parties together in a joint meeting where they felt secure enough to discuss concerns outside the loud chatter of public gatherings.

Participants

City of West Linn is the municipality where the LOTWP water treatment plant is located and where a substantial portion of the water pipe installation will occur. The City is also the jurisdiction where land use decisions will be made regarding the LOTWP application for a conditional use permit at the plant site and for installation of water lines. For the purpose of this series of meetings, C of WL was represented by the City Manager and members of his staff. No members of the Planning Commission or City Council were involved in the meetings.

LOTWP is a partnership between the City of Lake Oswego and the City of Tigard for water service to their respective customers. The partnership is supervised by an Oversight Committee consisting of 2 elected officials from each municipal governing body and staffed by members of their respective city staffs. The engineering firm Brown & Caldwell is the project manager for the plant and pipes expansion project.

The Neighborhood consisted of residents living on Mapleton Drive, Kenthorpe Way, Nixon Avenue and Highway 43 with others outside the area sometimes participating. At times the neighborhood group was apparently represented by the Robinwood Neighborhood Association (RNA) and its subcommittee the Great Neighbor Committee (GNC) which was formed specifically to address issues associated with the LOTWP conditional use application for an expanded water treatment plant. Even though some of the neighbors suggested that the leadership of the (RNA) and its subcommittee the (GNC) should be the focal point of these discussions, the certainty of who represented who was not clear. The identification of who should be speaking for the neighborhood was a constantly moving target with some meetings represented by RNA/GNC leadership and some splinter groups purporting to speak for the neighbors in behind the scenes meetings. Lots of people wanted some individual and small group time with Consultant, but none really stepped forward at the general neighborhood meetings identifying themselves as representatives of the group. This lack of unifying leadership in the neighborhood group proved to be a substantial challenge in moving forward with the series of meetings planned in this facilitation project.

Sources for Communication Breakdown

The tipping point leading to this facilitation project appeared to be a breakdown in communication between LOTWP and the neighborhood, manifesting itself at a C of WL Planning Commission hearing on April 18, 2012. Reportedly, over 100 public comment submittals opposed the LOTWP project at the hearing. When quizzed about the reason for the communication breakdown, both LOTWP and the neighbors blamed the other. The neighbors indicated a lack of trust in the representatives from LOTWP. The LOTWP indicated a frustration in identifying who to work with from the neighborhood and a campaign of misinformation from some of the neighbors. In Consultant's opinion a well-intentioned but poorly executed communication plan from LOTWP coupled with a few individuals taking advantage of the passions of the neighbors to stir up harsh rhetoric were major contributors to the breakdown.

LOTWP requested a postponement of the conditional use application until they had an opportunity to meet with and address concerns raised by the neighborhood group. The request was granted by the Planning Commission. The Consultant facilitation project and this report are the result.

Significant Resource Materials

RNA Mitigation List. Around December, 2011 the RNA/GNC developed a list of 28 mitigation items for presentation to LOTWP. How or when this list was forwarded to LOTWP and by who

is unclear. The RNA mitigation list covered Treatment Plant - Design & Operation; Treatment Plant - Construction; Residential Streets – Design & Improvement; Residential Street – Construction; Hwy 43 – Design & Improvement; Hwy 43 – Construction. Through the course of these facilitated meetings several representatives from RNA/GNC indicated that the RNA Mitigation List (Dec., 2011) only covered the treatment plant application and that additional mitigation items would be forthcoming for the pipeline application. When challenged about the identity of these new items, no additional list was produced and none presented during this series of meetings. This original RNA Mitigation List became the primary document for discussions about what the neighbors and RNA wanted for mitigation and what LOTWP was willing to give.

RNA Neighborhood Plan 2008. On May 12, 2008 the West Linn City Council by Ordinance 1567 adopted the Robinwood Neighborhood Plan. The Plan was the work of a Robinwood Implementation Task Force consisting of Kevin Bryck, Tim Cibula and Anne Blake working with C of WL staff. The Plan provided an agreed upon direction to guide the future of the Robinwood Neighborhood, and as a part of the Comprehensive Plan, The City is committed to follow it. The Plan contained a Vision Statement, Goals and Policies and Action Measures.

Significant for the purpose of these facilitated meetings about the LOTWP water treatment plant, Goal 3 included Policies which addressed preserving the character of the Robinwood neighborhoods anticipating the expansion of the water treatment plant on Kenthorpe Way as follows:

Goal 3 - Policies

- 3.8 Ensure that commercial development along Willamette Drive does not negatively impact nearby single-family residential neighborhoods.
- 3.9 Ensure that the Lake Oswego Water Treatment Facility on Kenthorpe Drive remains compatible with the surrounding residential areas and provides benefits to Robinwood's residents as well as those of Lake Oswego.
- 3.10 Make better use of the existing Robinwood Fire Station Site for neighborhood purposes.

The Action Measures to carry out Goal 3 and its Policies included:

Goal 3 - Action Measures

- 3.8 Enforce noise standards designed to shield residential neighborhoods from Willamette Drive area noise.
Provide physical buffering between single family neighborhoods and mixed use and commercial areas along the Robinwood Main Street.
- 3.9 Require the Lake Oswego Treatment Facility to provide appropriate landscape screening and context-sensitive architecture as part of any facility expansion plan. Take Advantage of the need to replace Lake Oswego water pipelines along Robinwood streets to provide street improvements and needed pedestrian routes.

Ensure that construction activities associated with any facility expansion and ongoing service and maintenance activities minimize impacts upon neighboring residential streets and homes.

Mitigate negative impacts of treatment facility expansion on the surrounding neighborhood with positive contributions to transportation connectivity between Kenthorpe and Mapleton Drives.

- 3.10 Consider use of the Robinwood Fire Station site for a new city police station.
Consider use of the Robinwood Fire Station site as a neighborhood community center.
Provide proper building and landscape maintenance of the fire station property.

The relevance of this plan becomes significant because many in the neighborhood now generally oppose the treatment plant expansion contemplated when the RNA Neighborhood Plan was adopted and included in the C of WL Comprehensive Plan.

LOTWP Good Neighbor Plan. In December, 2011, LOTWP prepared a Good Neighbor Plan to guide facility and site design, construction and operation for the Partnership's water treatment plant in West Linn. The Plan reflects a good faith effort and commitment by both LOTWP and RNA to ensure the water treatment plant will remain compatible with its surroundings and continue to be a good neighbor as the plant is modified and expanded for the future. The plan components outlined recommendations for

Water Treatment Plant Design
Landscape/site design
Facility design
Access
Off-site improvements
Construction
On going operations
Communications

Meetings

For the facilitation project a number of meetings were held with various groups at various times. At total number of the meetings was:

<u>Quantity</u>	<u>Meeting Type</u>
3	Facilitated neighborhood meetings open to public attendance
3	Facilitated joint party small group meetings
18	Planning, investigation, organization meetings with various group's leadership (C of WL – 6; LOTWP – 7; RNA/GNC – 5)

Additionally, a very large volume of telephone calls and e-mails were generated by the meetings and planning for the meetings among all the representatives for each party as well as many harsh messages from neighbors who did not like the process for a variety of reasons.

Methodology

Planning with the City of West Linn, Consultant initially proceeded with two neighborhood-wide meetings held at the West Linn Lutheran Church at the intersection of Jolie Pointe Road and Highway 43. These meetings were open to public attendance. The intended purpose was to identify issues and priorities from the neighbors and attempt to identify who were spokespersons for the group. The meetings also gave the Consultant a chance to share some tips with the neighbors to aid in presentation of their position at various local government hearings. Below is a summary of each of those two meetings.

First Neighborhood Meeting (June 27, 2012)

The Consultant explained the scope of the project and engaged the audience in a series of questions. The responses were recorded on a flip chart. A summary of the meeting is:

Attending: 50
Location: West Linn Lutheran Church
Residency: Mostly Kenthorpe and Mapleton; 5 or 6 from other areas

The relevant questions posed to the audience were:

Question: What has caused the communication breakdown?
Question: What would it take to restart the conversation with LOT partnership?

The flip chart notes were converted to Facilitator Notes which are attached to this Report as Attachment 1 for anyone interested in more detail. The information obtained from the audience at this First Neighborhood meeting was used to identify impacts mentioned by the audience and became the beginning of Consultant's (Facilitator's) Summary of Proposed Changes.

Facilitator's Summary of Proposed Changes

The volume of material to digest, the complexity of the proposed project and the many issues raised by the neighbors is confusing. In an effort to capture the existing plans and concerns raised by the neighbors at the first public meeting on June 27, 2012, the Consultant prepared a Summary of Proposed Changes to identify impacts on the neighborhood and West Linn as well as scenarios or possible outcomes mentioned by the neighbors. The Summary was initially circulated to LOTWP and C of WL for comments. Suggestions from the two groups were incorporated. The Summary was also presented to the neighbors at the second neighborhood meeting on July 25, 2012 for comment and additional modification. It was presented to all parties as a "work in progress" by the Consultant who planned to use the Summary as a tool to isolate the real impacts resulting from the LOTWP project and determine if an expanded plant would have negative impacts on the neighborhood. While the Summary served as a good exercise to summarize existing plans and proposals, determining whether or not a completed plant expansion will have negative impacts on the neighborhood is a subjective determination. The Summary is included in this Report as Attachment 2 and represents the Consultant's view of

proposed changes from this project based on information collected from existing documents and each of the parties involved. Its content should be viewed as Consultant's opinion.

Second Neighborhood Meeting (July 25, 2012)

Attending: 40 ish
Location: West Linn Lutheran Church
Residency: 85% Mapleton; 10% Kenthorpe; 5% other (by show of hands)

Presentation & Discussion (Water Rights)

In an effort to clarify the Clackamas River water rights of C of WL in light of some of the yard signs posted by some of the neighbors, John Thomas, former General Manager of Sunrise Water Authority and Consultant conducted a Q & A about water rights on the Clackamas River. In John's opinion after 35 years of experience working for water agencies on the Clackamas River, the seniority of South Fork water is not at risk by this project. The audience asked John questions about water rights and it was clear the audience generally understands that West Linn's water rights which are derived through Oregon City's claim are secure. However, a couple of audience members tried to interrupt the presentation and challenge the accuracy of the information presented. After some interesting discussion, it was explained by certain neighbors that the yard signs talking about the "LO water grab" relate to the possibility that C of WL would need to enter negotiation with all water rights holders on the Clackamas River during times of low water flow and not that C of WL would lose its senior water rights.

Impacts on Neighborhood (PPT)

Consultant presented the list of impacts that were mentioned by the audience at the First Neighborhood meeting and sorted the audience comments by impact. Consultant also presented the Facilitator's Summary of Proposed Changes by handout sorted according to the impacts. In the Consultant's opinion, the lists of impacts mentioned at the First Neighborhood Meeting in were:

- Noise
- Traffic
- Odors
- Lighting
- Ground motion/vibration
- Safety
- Seismic
- Benefits to neighbors
- Benefits to C of WL

The audience wanted to add to the list of impacts:

- Property values
- Insurance

Facilitator Proposed 3 scenarios based on First Neighborhood Meeting comments:

- A. Plant remains "as is" operating under current conditional use.
The audience reported that the current plant operations are OK with few neighborhood complaints and maybe this scenario should be removed.
- B. Plant is removed and LOTWP relocates to another site.
The audience wanted to drop this as an option at first, but then became uncertain after further discussion. They want explanation why the upgrade cannot be at a LO location
- C. Plant & pipes remodeled and upgraded.
Audience talks about a percentage of the LOTWP project as the correct mitigation amount
They want to know which "changes" are above and beyond the requirements in the law and WL Code in order to count as "mitigation"
The trail is not a real benefit to the neighborhood

The Facilitator's Notes from the Second Neighborhood Meeting are attached to this Report as Attachment 3.

First Joint Meeting (August 16, 2012)

Since the neighborhood meetings were largely an exercise with the Consultant attempting to focus the discussion about issues related to the LOTWP project and several members of the audience trying to wrestle control of the meeting away, at the suggestion of some of the neighbors, Consultant shifted the meeting format for future meetings to a "small group" format with all parties (LOTWP, C of WL, Neighbors) represented at the table. When a small group format was set up by Consultant giving the groups criteria for selection of their representatives and declaring the meetings not open to the public, all hell broke loose from many of the neighbors. Some sent scathing e-mails to Consultant complaining about process. Because the meetings were characterized as "private" everyone would not be allowed to attend and voice their concerns which in Consultant's view had been a likely source of communication dysfunction between the neighbors and LOTWP from the beginning. Just a few days before, the suggestion for small group meetings had come from the neighborhood group at the Second Neighborhood Meeting.

The first joint meeting of the parties in a small group format was held August 16, 2012 at the Forum Room at West Linn High School. The Consultant facilitated with all parties represented at the table.

Introductions

The Facilitator invited the following participants who attended the first joint meeting. Representatives for each group were selected by the group with some criteria given by Consultant as guidelines for their selections.

From City of West Linn (3)

1. Chris Jordan, City Manager
2. Kirsten Wyatt, Deputy City Manager
3. Chris Kerr, former Senior Planner

From Lake Oswego (3)

1. David Donaldson, City Manager
2. Bill Tierney, City Councilor from Oversight Committee
3. Jon Holland, Project Manager – Brown & Caldwell

From Tigard (3)

1. Marty Wine, City Manager
2. Gretchen Buehner, City Councilor from Oversight Committee
3. Dennis Koellermeier, Public Works Director

From Neighborhood (7)

1. Three (3) representatives who live on Mapleton Drive.
Steve Blake, Chair of GNC
Vicki Smith
Eric Jones
2. Three (3) representatives who live on Kenthorpe Way.
Lamont King, Vice Chair of GNC
Scott Gerber
(No additional eligible names provided)
3. Officer of GNC or RNA
David Newell, VP of RNA

Additional (2):

1. Norm Eder
2. DJ Hefferman (unable to attend)

Ground Rules

The Facilitator announced that certain Ground Rules would be in place for the meeting and handed out copies for all to review. The Facilitator reviewed each Ground Rule and all in attendance agreed to abide by them. The Ground Rules for the meeting were:

1. The Facilitator will preside for the meeting
2. The Facilitator has discretion to establish the rules of procedure for the meeting and reserves the right to modify or change them as needed
3. Each participant will speak respectfully and dispassionately during discussions (park the ego)
4. Participants agree to disagree agreeably (park the emotion)
5. Participants agree to search for a solution that will serve the interests of all participants (park the politics)

6. Discussion will be open but limited to the issues, not personalities
7. Participants will speak only when recognized by Facilitator
8. No participant will dominate the discussion
9. Unproductive discussion will be terminated by the Facilitator
10. The tone of the meeting will be conversational without emotional outbursts
11. No one will blame, accuse or point fingers to any other group or individual about matters related to this discussion
 - 1st Warning
 - 2nd Warning will terminate the meeting
12. Should the meeting be terminated because such warnings, the Facilitator's participation in this project will be concluded subject to a final written report
13. Whatever is said is publishable, i.e., you are free to tell anyone what happened, how it happened or what was said. (But See Rule #14)
14. Anything that happens or is said is subject to future modification or change so share information from this meeting at your own risk
15. Any notes taken by individual participants on sheets handed out by the Facilitator or flip chart pages are the personal property of the Facilitator for use by the Facilitator

Review Documents

Documents were available for reference by those in attendance. The documents were:

1. Facilitator's Comprehensive Summary
2. Maps available for illustration purposes
3. RNA Mitigation Plan
4. RNA Neighborhood Plan 2008
5. LOTWP Good Neighbor Plan

Table Questions

The attendees were divided into 3 table groups for discussion. The 3 groups were (1) LOTWP, (2) C of WL, and (3) Kenthorpe/Mapleton Neighborhood. A series of questions were posed to the table groups for discussion and reporting. The responses were recorded on a handout sheet and on a flipchart. Responses from each group were organized by Consultant and a columnar chart comparing each group's responses alongside the others is attached to this Report as Attachment 4. The questions were:

Question No. 1(a) – What do you need from each other group to consider this meeting a success?

Question No. 1(b) – What do you think "they" need from you to consider this meeting a success?

Question No. 2 – What can your group propose to bring the groups closer together on the differences which have surfaced about this project?

Question No. 3 – What does your group want the other groups to consider that has not been proposed tonight?

A "Question No. 4 – What's Next" was also presented to the group with subparts.
Should future similar meetings be held? If yes, when?
Who should be involved in future similar meetings?
What should be the topics for discussion?

The groups collectively decided to participate in another joint small group meeting to further explore details of the night's discussions. The groups also discussed who should be at the next meeting. The Kenthorpe/Mapleton Neighborhood group requested to expand the number of neighbors allowed to attend and observe. All agreed limited expansion would be permitted.

Second Joint Meeting (August 22, 2012)

A second joint meeting was scheduled for each group to further expand upon the ideas they had presented at the first joint meeting. The meeting was again held in the Forum Room at West Linn High School.

Introductions

Attendees for each group remain the same as before with the addition of Bob Stowell for the Neighborhood group. Also, David Newell for the Neighborhood group was not in attendance.

Ground Rules

The Facilitator reviewed the agreed Ground Rules with Bob Stowell and reminded the other attendees of the terms. Bob Stowell agreed to abide by the Ground Rules also.

Achieved So Far? (Since Planning Commission Meeting)

The Facilitator posed the question "What has been changed/achieved since the WL Planning Commission meeting where the application was suspended." The attendees collectively listed the following changes/achievements:

1. New faces involved
2. Formal application for the pipeline submitted and deemed complete
3. Franchise fee negotiations are underway
4. An amended application for the plant has been submitted
5. Opportunities for facilitated joint party meetings to discuss issues
6. Land use activity in Gladstone completed
7. An agreement between WL and LOTWP for coordinated construction improvements
8. An IGA for emergency water intertie negotiated – but not yet approved

9. Pipeline easement in MSY Park negotiated between LOTWP and OR Dept. Parks & Rec and WL
10. A smaller plant footprint has been proposed in the amended plant application
11. CC& R issue partially resolved or partially pending for some
 - Arbitration cases - \$4K ea.
 - Negotiated cases - \$1K then to \$4K ea.
 - Litigation cases – group represented by Minn. law firm pending

Table Questions Review from First Joint Meeting

The Facilitator asked the groups to revisit Questions 2 & 3 from the previous meeting and to provide more details about the general proposals given. As a reminder the questions from the previous meeting were:

- Question No. 2 – What can your group propose to bring the groups closer together on the differences which have surfaced about this project?
- Question No. 3 – What does your group want the other groups to consider that has not been proposed tonight?

In response, LOTWP handed out an annotated version of the RNA LOTWP Mitigation List with comments giving the status of the various mitigation items requested by the RNA. This form of response was requested by the WL group and the Neighborhood group. In the course of its explanation of the comments on the handout, LOTWP also handed out the following documents:

- Scott Moss e-mail of 8/1/12 listing average water damage claim amounts
- Hardscape & Materials Plan – Details, Fences & Walls
- Proposed Risk Management Fund
- Water Treatment Plant Land Use Application
 - Section 9 – Safe Operations Plan for Water Treatment Plant
 - Section 10 – Construction Management Plan for Raw Water and Finished Water Pipelines in WL
 - Section 14A - Construction Management Plan

Because of the amount of information handed out, the Neighborhood group did not have adequate time to review, nor did it have the expertise of DJ Heffernan available at the meeting. Hence, the discussion was limited to general questions with the understanding that the Neighborhood group would be able to review with others before providing responses. Because of time constraints, LOTWP did not get to explain all of the comments on the annotated RNA mitigation list it handed out. Likewise, the Neighborhood group did not have an opportunity to explain its responses to Questions 2 & 3 from the first joint meeting further. An annotated version of the RNA Mitigation List document prepared by LOTWP is Attachment 5 to this Report. The annotated version describes what LOTWP proposed for each of the mitigation items requested by the RNA.

Next Steps

The WL representatives outlined the upcoming events associated with the plant and pipes application as follows:

Oct 5	Staff report due on plant and pipes applications
Oct 8	Franchise fee presented to City Council for decision
Oct 17, 18	Plant and pipes applications presented to WL Planning Comm.
Oct 26	Appeal to WL City Council (if needed)

After some discussion, the following action items were agreed for continuation of the facilitated joint meetings of the parties:

1. For now, LOTWP will respond to neighborhood concerns recognizing the RNA as the neighborhood representative.
2. The Neighborhood group needs some logistical assistance with distribution of information to its constituency about the work of these facilitated joint meetings and perhaps C of WL can assist.
3. A facilitated neighborhood meeting should be scheduled in about 2-3 weeks to report results of "private" meetings and have LOTWP representatives present to answer questions.
4. The Neighborhood group will meet with DJ Heffernan to review the large amount of information handed out by LOTWP and prepare additional questions.
5. Another joint meeting will be scheduled for Sept. 5, 2012 to finish review of the annotated RNA Mitigation List by LOTWP and to address specific questions from the Neighborhood group after it meets with DJ Heffernan.
Conditions of the Sept 5 meeting are:
 - Facilitator continues in charge of process
 - Elected officials from LOTWP not necessary to attend
 - Otherwise same attendees
6. For ease of communications, each group will provide the Facilitator with the names of 2 contact people to serve as the collection point for direct questions outside of the joint meetings. Facilitator will publish the contact names to all attendees of the joint meetings.
7. The Neighborhood group invited representatives of LOTWP to the next GNC meeting.

Third Joint Meeting (September 5, 2012)

A third joint meeting was scheduled to give LOTWP further opportunity to clarify its position on the RNA mitigation list previously presented and for the Neighborhood group to further explain its proposals and ask questions after meeting with DJ Heffernan.

Before Meeting

On the afternoon of Sept. 5, 2012 (afternoon of the meeting) Lamont King e-mailed Consultant requesting that Kevin Bryck be included as a part of the Neighborhood group even though he had not participated in the prior two joint small group meetings and he did not fit the criteria for invitation, i.e., (1) lives on Kenthorpe/Mapleton; or (2) officer of RNA/GNC. Facilitator sent a reply denying the request.

Kevin Bryck showed up at the third Joint Meeting anyway. Steve Blake and Lamont King again requested that Kevin Bryck be included in the Neighborhood group. Facilitator said "no" again. Bryck and King left before the meeting started.

Attending

The meeting was held in Commons B at West Linn High School with a reduced list of representatives as previously agreed at the previous meeting.

LOTWP	Marty Wine David Donaldson Dennis Koellermeier Jon Holland Norm Eder
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Neighborhood	Steve Blake Bob Stowell Vicky Smith Eric Jones David Newell DJ Heffernan
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City of WL	None
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Contacts

At Facilitator's request, the Neighborhood group provided their contact persons names for questions and issues related to these facilitated meetings. LOTWP had provided their names earlier. The list of contacts is:

Neighborhood	Steve Blake LaMont King
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LOTWP	Dennis Koellermeier Jon Holland
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Follow-up Neighborhood Meeting

At Facilitator's suggestion the parties discussed a follow up meeting to report the progress of these "private" meetings to the larger neighborhood. The Neighborhood group suggested such a meeting in connection with the next RNA meeting would work. A follow up neighborhood/public meeting led by Facilitator was scheduled as follows:

When: Tues. Sept. 11, 2012
Where: Former Robinwood Fire Station
Time: Approx. 7:45-9:15 pm (following regular RNA meeting)

Group Discussion

The Facilitator led a discussion about the continuation of more specific answers to Questions 2 and 3 from the first joint meeting although the conversation drifted off topic frequently. Some highlights from the discussion are:

- DJ suggested the joint group agree to which items should be taken off the RNA mitigation list as "agreed" by the parties. After discussion, DJ was requested to originate a list of items to consider and provide it to LOTWP. DJ and LOTWP had a follow up meeting on Fri. Sept. 7 for that purpose.
- DJ suggested the construction items on the RNA mitigation list be postponed for consideration until after the land use process is complete. The discussion then addressed the amount of certainty the Neighborhood group wants for its comfort in either the land use conditions of approval or the CMP (Construction Management Plan). The specific example discussed as an illustration was access to private driveways and emergency access during construction. What appears to be an error in the CMP was identified and LOTWP agreed to re-examine that portion of the CMP. The parties also discussed the use of the pavement on Mapleton during construction, a notification process for anticipated delays and construction activity, and complaints. The parties agreed the "working group" would be an appropriate way to address these issues after the facilitated joint group meetings are concluded.
- The parties discussed the language of the land use conditions of approval. The Neighborhood group prefers DJ or someone representing the Neighborhood participate in writing the language in the C of WL staff report conditions of approval. LOTWP suggested that the Neighborhood probably does not want the level of specificity discussed at these joint meetings in the conditions of approval and would be better served with a separate Memorandum of Understanding (MOU), terms in the Construction Management Plan or a contractual obligation.
- The parties discussed the difficulties created by the hairpin turn at the Mapleton/Nixon connection. Possible solutions were discussed without any resolution.
- LOTWP presented an update on the community benefit to C of WL about the costs associated with WL replacing the current intertie arrangement. The cost of adding a river

crossing under I-205 for emergency water is estimated at \$11.6M. Also, the value of the replacement of AC pipe on Mapleton is estimated at \$300K.

Third Neighborhood Meeting (September 11, 2012)

In an effort to disseminate the information shared at the three joint meetings and to assist the neighborhood group to communicate with the neighbors, a third neighborhood meeting was scheduled. This “all neighborhood” meeting was held following the regular meeting of the RNA at the former Robinwood Fire Station on September 11, 2012. Representatives from LOWTP were available to give technical explanations about the joint meeting discussions and the Consultant shared the process followed in the three joint small group meetings. Explanation about the progress of the joint small group meetings was presented by the LOTWP representatives. The annotated version of the RNA Mitigation List was the document used for the explanations (Attachment 5). The audience was permitted to ask questions on written forms with the Consultant collecting the question forms and posing the questions to the LOWTP representatives. A summary of the audience questions is included in this report as Attachment 6. The LOTWP representatives agreed to follow up with answers to the remaining questions in writing.

Consultant Conclusions and Observations

While achieving agreement on all issues between LOTWP and the neighbors did not occur as a result of these meetings, many significant and meaningful outcomes were achieved during the time of, and as a result of, these meetings.

At the second joint small group meeting, the attendees collectively listed the following changes/achievements:

1. New faces involved
2. Formal application for the pipeline submitted and deemed complete
3. Franchise fee negotiations are underway
4. An amended application for the plant has been submitted
5. Opportunities for facilitated joint party meetings to discuss issues
6. Land use activity in Gladstone completed
7. An agreement between WL and LOTWP for coordinated construction improvements
8. An IGA for emergency water intertie negotiated – but not yet approved
9. Pipeline easement in MSY Park negotiated between LOTWP and OR Dept. Parks & Rec and WL
10. A smaller plant footprint has been proposed in the amended plant application
11. CC& R issue partially resolved, partially pending
 - Arbitration cases – Awarded \$4K ea.
 - Negotiated cases – First \$1K then increased to \$4K ea.
 - Litigation cases – group represented by Minn. law firm still pending

The Consultant has observed these additional improvements in the relationship between the neighborhood group and LOTWP.

12. A foundation established for continued conversations between LOTWP and neighborhood representatives, e.g., construction hotline process.
13. Water rights on the Clackamas and "L.O. is stealing our water" ceased to be a topic for discussion after the presentation at the second Neighborhood Meeting. The reason explained by the makers of the yard signs was that in time of extraordinary low flow on the Clackamas River, the various water rights holders might collaborate to minimize impact to all citizens in area and WL would thereby suffer. It is not a water rights seniority issue.
14. Disruption of the proceedings seemed like a game for a few of the individuals in the neighborhood group. They were forever complaining about process or challenging the Facilitator to gain control of the meetings. The tone of the neighborhood meetings improved over the course of this project.
15. Multiple meetings were held with each group (LOTWP, Neighborhood, C of WL) to establish lines of communication, organize meetings and sort out the issues and personalities of the groups involved. The lines of communication apparently remain in place.
16. During the facilitation project LOTWP enhanced its proposals in response to the RNA Mitigation List. Out of 30 mitigation items requested by RNA LOTWP proposed the following:

Identified 5 requested mitigation items required by WL Code and agreed
Increased from 5 to 9 the mitigation items agreed
Increased from 6 to 14 the mitigation items partially agreed
Decreased from 12 to 2 the mitigation items rejected
Proposed alternate solutions for the 2 items rejected

17. Discussions have continued between LOTWP and representative of the neighborhood about action items to include in the Construction Management Agreement.

Throughout the series of meetings and planning sessions, LOTWP substantially enhanced its responses to the mitigation items on the RNA Mitigation List. However, the Consultant's overall impression is that the many in the neighborhood, while united by a cause and belief that LOTWP has not been listening to them, seem challenged by the task of organizing in a meaningful way to participate in conversations with LOTWP as a group. With facilitation and small group setting, we were able to engage in joint conversations in an environment that was safe for all parties. However, the larger neighborhood audience was clearly dissatisfied with not being involved in the small group process, even though they suggested having them. The neighborhood group also had a difficult time reaching consensus when LOTWP proposed solutions to some of their mitigation ideas. Hence, LOTWP does not know whether its proposed solutions to mitigation proposals are agreeable with the neighbors. From Consultant's observation, many points seemed

to be agreed, but the RNA/GNC representatives did not have either the authority or a belief they represented enough of their neighbors to agree to proposals.

In the more-work-to-do category, perhaps hoping for complete resolution of the differences between the neighborhood and LOTWP was too optimistic in such a short period of time. Maybe, the inconsistent expectations of the individual neighbors make finding solutions too difficult. For the neighborhood/LOTWP relationship to move forward positively, somehow the neighborhood needs to find way to agree or give positive feedback to LOTWP when items are agreed. LOTWP needs to continue not just "communicating" with the neighbors, but to actually engage them in dialogue about improving the neighborhood. It may be a difficult challenge.

END

Attachment 1

**City of West Linn
LOTWP Project
Neighborhood Meeting 6/27/12
Facilitator Notes**

Attending: 50
Location: West Linn Lutheran Church
Residency: Mostly Kenthorpe and Mapleton; 5 or 6 from other areas

Question: What has caused the communication breakdown?

Flip Chart Notes:

- Lake Oswego not telling the truth about
 - Buying add'l property
 - Fictitious arguments and reports
 - Never acting in good faith

- LOT doesn't listen
 - Just a PR effort
 - Not ever engaged
 - Treated as just a check off list
 - "Conversation" never started
 - Arrogant and disrespectful
 - Listen to nothing
 - Just assumed the plant expansion would happen
 - Community survey questions were insulting – not serious

- Disruptions
 - Highway 43 rebuild
 - Devastates Robinwood neighborhood and entire City of WL
 - CC&R's waiver lawsuit
 - Not adequate compensation for disruption of lives (\$1,000)

- Legal Requirements
 - Not NEPA compliant to look at alternate sites
 - Split the application for plant and pipes
 - WL/South Fork sacrificing water rights

- Miscellaneous
 - It's all about Stafford
 - Selling water to Tigard real reason for plant expansion
 - Free speech denied at WL City Council
 - Claims about ex parte contact at LO and WL bogus
 - Basically the LOTWP project is a complete plant rebuild

Question: What would it take to restart the conversation with LOT partnership?

Flip Chart Notes:

Plant location:

- Do not want the LO water plant in WL
- Not really a conditional use – plant rebuild, industrial use

Communication

- Jane & Joel brought on hostile responses
- Change people involved – not Jane & Joel
- No trust in current LO staff
- No trust in WL staff
- No trust in WL City Council
- Basically no trust in anybody
- Show us the studies (geotech, etc)
- WL subbing out staff report to LOT
- "We are condemning (CC&R's) because we can."
- No more NIMBY statements by LO/T mayors and in written articles
- Change their attitude
- Tired of being ignored
- LOT should come forward with serious conversation

Compensation

- Adequate compensation based on size of project
- \$90K is insulting
- Give us a say in the benefits
- Look at the mitigation plan prepared by RNA seriously
- No real mitigation proposed by LOT

Solution Suggestions

- Intertie not a real benefit to WL – both cities use for emergency water
- Help solve WL water problems
- Be sure LOTWP has adequate insurance to cover natural cause losses
- LOTWP should make the first offer
- LOTWP buy more adjacent properties at inflated prices to buffer

Miscellaneous

- Already drilling core samples on property
- LOTWP play by the rules
- LO and T mayors leaving by end of year – Oversight Comm. Changes
- Why can't the citizens of WL vote on this LOTWP project

General Facilitator Observations:

Little mention about construction disruption
Audience did not focus on "school kids"
Focus was more on compensation for perceived losses
Passion/hostility generated by perception that LOTWP has not been truthful
Frustration caused by being ignored by LOTWP until neighbors became annoying
Willing to give facilitator a chance to try and make a difference
Neighbors are tired of meetings
Neighbors don't trust anybody in LO, T or WL governments
A few attendees (maybe 5-6) taking a more moderate view
Neighbors have a few very passionate people
Neighbors feel victorious for prevailing at PC to suspend application
Neighbors say LOTWP needs new faces for the project
Neighbors want LOTWP to make a serious mitigation offer
Neighbors feel all the meetings are just to check off a box on a list

Attachment 2

**LOTWP Project
Facilitator's Summary of Proposed Changes
9.29.12
* Final***

Impact	"As Is" Scenario	"Cease Ops" Scenario	"Remodeled Plant" Scenario	WL Code Req'ts	2008 RNA Plan	RNA Mitigation Proposal	LOTWP Good Neighbor Plan
<ul style="list-style-type: none"> • Assumes Plant and Pipes project completed, except for Construction section • Intended for Facilitator use to summarize current status of proposals • Organized by Facilitator for purpose of Facilitator use – not organized to meet the needs of any involved group • Based on Facilitator's own research and information provided by LOTWP, WL and Neighborhood group • NOT intended to include every detail of each item • Items are paraphrased for Facilitator convenience – This summary not intended to please anybody but the Facilitator 	<ul style="list-style-type: none"> • WL 36 mgd (1931) • WL 39 mgd (1953) • LO 32 mgd (1967) • LO 6 mgd (1973) 	<ul style="list-style-type: none"> • Same 	<ul style="list-style-type: none"> • Same 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A
Noise	<ul style="list-style-type: none"> • Operations comply w/ DEQ resid. standards • Seasonal activities <ul style="list-style-type: none"> ○ Scraping pond ○ Bin vibrator ○ Loaders/trucks ○ Compressors 	<ul style="list-style-type: none"> • None after de-construction 	<ul style="list-style-type: none"> • Operations comply w/ DEQ resid. standards <ul style="list-style-type: none"> • None after construction – seasonal/other noise <ul style="list-style-type: none"> ○ No pond scraping ○ No bin vibrator ○ No outside generation ○ No intermittent noise peaks 				<ul style="list-style-type: none"> • Design facilities to minimize off-site plant noise
Odor	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 				<ul style="list-style-type: none"> • Design facilities to minimize plant off-site odors

**LOTWP Project
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<p style="text-align: center;">Traffic</p>	<ul style="list-style-type: none"> • 14-15 1/d Kenthorpe • None Mapleton 	<ul style="list-style-type: none"> • None Kenthorpe • None Mapleton • 230-280 1/d for new residences • Dump trucks to carry away deconstructed materials 	<ul style="list-style-type: none"> • 19 1/d Kenthorpe • None Mapleton 			<ul style="list-style-type: none"> • Hazard impact and response scenario for pipeline break • Permeable path w/o swale on Mapleton • Fee in lieu of half street improvement on Mapleton 	<ul style="list-style-type: none"> • Build a ped. path connecting Mapleton and Kenthorpe
<p style="text-align: center;">Lighting</p>	<ul style="list-style-type: none"> • No shielding exterior • Time regulated 	<ul style="list-style-type: none"> • None from plant • 23-28 new homes and streets with lights 	<ul style="list-style-type: none"> • Exterior fully shielded • Lumen output regulated • Ped. pathway lightings • No light trespass beyond property 	<ul style="list-style-type: none"> • Exceeds 			<ul style="list-style-type: none"> • Use low level lighting for plant; prevent off-site glare
<p style="text-align: center;">Ground Motion</p>	<ul style="list-style-type: none"> • Bin vibrator • Front-end loaders for sludge removal • Long-haul trucks 	<ul style="list-style-type: none"> • No bin vibrator • No front-end loaders • No long haul trucks 	<ul style="list-style-type: none"> • No bin vibrator • Sludge de-watering and loading indoors • No front-end loaders • Long-haul trucks during construction 	<ul style="list-style-type: none"> • N/A 			
<p style="text-align: center;">Visual</p>	<ul style="list-style-type: none"> • Buildings -31,950 sf • Green space 5.92 ac • Tallest structure - 35' • Kenthorpe - hedges, shrubs and fir trees; no sidewalk/path; building setbacks 60'; 90'; 110'; 73 existing trees; driveways total width - 30' 	<ul style="list-style-type: none"> • Buildings - 0 sf • Replaced by 23-28 houses • Green space?? • Tallest structure - WL code • Landscaping - WL code 	<ul style="list-style-type: none"> • Buildings -65,750 sf • Green space 5.53 ac • Tallest structure - 35' • Kenthorpe - public access rain garden; meandering path. preserve 53 existing trees; plant 42 additional trees; 	<ul style="list-style-type: none"> • Bldg Ht. less than allowed • Path req'd • Tree plan on Kenthorpe req'd • House removal on Mapleton req'd • Tree plan on Mapleton req'd 	<ul style="list-style-type: none"> • Goal 3 - Policy 3.9: Ensure that LOWP Facility on Kenthorpe Drive remains compatible with the surrounding residential areas and provides benefits to Robinwood's. 	<ul style="list-style-type: none"> • Mitigate lost tree canopy • Move plant security perimeter away from adjacent properties • No pedestrian paths on property lines 	<ul style="list-style-type: none"> • Provide setbacks compatible with neighborhood homes • Mitigate tree loss canopy by removing invasive species and planting native trees • Landscaping, fencing, and

**LOTWP Project
Facilitator's Summary of Proposed Changes
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<p>• Mapleton – no formal landscaping: grass, brush, driveways, houses; 2 existing houses; 384 existing trees; 3 driveways total width – 23'</p> <p>• No sidewalks or paths abutting or thru property</p>	<p>• None</p>	<p>screening plantings: building setbacks 180', 70' 110'; total driveways – 30'</p> <p>• Mapleton – existing houses removed; berming, seating walls; open meadow, trees, shrubs and ground cover; 422 trees; total driveways 20'</p> <p>• Buildings architecturally designed to fit neighborhood</p> <p>• Total plot coverage 21.27% with structures within 35% maximum for R-10 zone</p> <p>• 58% of site dedicated to open space and landscaping</p> <p>• Setbacks exceed minimum req'ts on all sides all streets</p>	<p>• Driveway widths on K and M req'd</p>	<p>residents as well as those of Lake Oswego</p> <p>• Goal 3 – Policy 3.10 Make better use of the existing Robinwood Fire Station Site for neighborhood purposes</p>	<p>walkways to fit residential setting</p> <p>• Locate taller facilities in central area</p> <p>• Design buildings to have residential appearance</p> <p>• Exceed setbacks for clearwell, pump house and electrical building</p> <p>• Install fence with non-industrial appearance</p> <p>• Build ped. Path connecting Mapleton and Kenthorpe</p> <p>• Install half-street improvement on Kenthorpe and Mapleton</p> <p>• Allow public access to Mapleton Drive parcels</p> <p>• Paths on Mapleton and Kenthorpe</p>
<p>Safety</p>	<p>• Meets req'ts for chemical storage and handling</p> <p>• No chemical delivery containment</p>	<p>• Will meet current req'ts for storage and handling</p> <p>• Improved spill containment during delivery</p>	<p>• Storage and handling req'd to meet current code</p>		

**LOTWP Project
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<p style="text-align: center;">Seismic</p>	<ul style="list-style-type: none"> • Site underlain by liquefiable soils • Portions of water pipes underlain by liquefiable soils • Portions of water lines have push-on joints • Chemical storage vulnerable to damage and breach of containment • Electrical transformers unbraced 	<ul style="list-style-type: none"> • Site underlain by liquefiable soils • Pipes de-activated • RWP thru WL would remain to provide water to a new treatment site • FWP would become RWP 	<ul style="list-style-type: none"> • Site underlain by liquefiable soils • All facilities constructed on auger cast pile foundations to mitigate seismic hazard • All new pipes steel with double welded lap joints • Chemical storage and containment designed to remain operable post seismic event 	<ul style="list-style-type: none"> • Generally req'd for new development 		
<p style="text-align: center;">Highway 43</p>				<ul style="list-style-type: none"> • Goal 1 – Willamette Dr. will provide superior transportation facilities for all modes of transportation (See Policies and Action Measures) • Goal 2 – Willamette Dr. will serve as Robinwood Main Street (See Policies and Action Measures) 	<ul style="list-style-type: none"> • Sidewalk or path on one side H43 • Left turn lanes at Arbor Dr. • Ped. Safety island at Cedarok & Arbor 	

**LOTWP Project
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Property Insurance	<ul style="list-style-type: none"> None currently for neighbors – LO currently insured against losses 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Coverage for losses to neighbors caused by plant/pipe operations 		
Intertie	<ul style="list-style-type: none"> IGA WL/LO for emergency water when available 	<ul style="list-style-type: none"> Intertie ceases 	<ul style="list-style-type: none"> IGA WL/LOT for 4 mgd emergency water on call 	<ul style="list-style-type: none"> WL Water Master plan relies on Intertie 			
Miscellaneous					<ul style="list-style-type: none"> Goal 4 – Policy 4.1: Preserve natural riparian corridors 	<ul style="list-style-type: none"> Independent appraisal all homes re: proximity to plant Funds for remodeling Robinwood Station Funds for Trillium Cr. Restoration LOTWP develop an emergency response plan 	
Benefits to Neighborhood	<ul style="list-style-type: none"> No change 	<ul style="list-style-type: none"> Plant removed Houses replace plant with associated construction 	<ul style="list-style-type: none"> Resurface Kenthorpe Way Resurface Mapleton Drive Replace 3000' asbestos cement pipeline with ductile iron pipe Pathway connecting Mapleton-Kenthorpe Add 7' 400' sidewalk, pathways Replace Trillium Creek culverts on 	<ul style="list-style-type: none"> Resurface Kenthorpe – exceeds Resurface Mapleton – exceeds Replace AC pipe – exceeds Pathway exceeds Add 7' sidewalk, pathways – exceeds Culverts – exceeds 		<ul style="list-style-type: none"> Setbacks compatible with neighborhood homes Landscaping, fencing and walkways to fit setting Taller facilities at center of site New Mapleton buildings greater than minimum setback 	<ul style="list-style-type: none"> Allow controlled use of emergency access road by Kenthorpe neighbors

**LOTWP Project
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<p style="text-align: center;">Benefits to WL</p>	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Maybe property tax revenue from private ownership • (Neg.) Required to replace redundant emergency water supply (\$12-19M) 	<ul style="list-style-type: none"> • Fully redundant water supply (emergency water) • Improved emergency intertie pump station • Replace 800' of asbestos concrete supply pipe serving 	<ul style="list-style-type: none"> • Update architecture - req'd • Improve landscaping - req'd 	<ul style="list-style-type: none"> • No light trespass • Ped. Path to connect Mapleton-Kenthorpe • Half street improvements - green treatment • Fence location to provide public access on Mapleton • Hazard analysis and response plan for all chemicals shared with WL residents • Allow controlled use of WTP emergency access road by Kenthorpe neighbors • Rebuild Mapleton after construction • Mark City ROW • Replace AC waterlines on Mapleton and Kenthorpe 	<ul style="list-style-type: none"> • Coordinate with WL on infrastructure projects for savings
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**LOTWP Project
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Construction			<ul style="list-style-type: none"> View Drive Reservoir • Resurfaced Kenthorpe • Resurfaced Mapleton • Annual franchise fee (??) • Mary S. Young Park improvements • Pathway connecting Mapleton-Kenthorpe • Construction 24 hr hotline 				
						<ul style="list-style-type: none"> • Construction 24 hr hotline • Mitigation consultant • Green construction practices • Real estate sale hardship fund • Separate pathway/landscaping contract • Construction workers park onsite or bussed • Maintain daily access to all driveways • Off street staging area required • Temp. info. Signs for street closures • Relocate storm 	<ul style="list-style-type: none"> • Provide 24 hr. hotline • Shut off idling eqpt when not in use • Noisier const. ops limited duration • Advance notice for noisy work • Regular meeting with const. mgr. • Use low sulfur fuel for off-road eqpt. • Maintain vehicle access to driveways and minimize road closures • Locate noise producing eqpt. in central part of site or as far from residences as practicable

Attachment 3

**City of West Linn
LOTWP Project
Neighborhood Meeting 7/25/12
Facilitator Notes**

Attending: 40 ish
Location: West Linn Lutheran Church
Residency: 85% Mapleton; 10% Kenthorpe; 5% other (by show of hands)

Presentation & Discussion (Water Rights):

John Thomas, former General Manager for Sunrise Water Authority and I conducted a Q & A about water rights on the Clackamas River
Afterward, the audience asked John questions about water rights
Kevin B and Jack N tried to challenge the expert
Challenge to accuracy of PPT slides
Concede it is not about water rights seniority

Impacts on Neighborhood (PPT)

I've reviewed plans, talked with LOTWP, talked with WL, conducted my own investigation and prepared a summary of the issues raised as they impact surrounding neighbors, and WL. A copy of the summary of impacts was handed out to those in attendance as a draft. The comments below in "red" are the additions suggested by the audience. The identifiable impacts in my view associated with the project are:

Noise
Traffic
Odors
Lighting
Ground motion/vibration
Safety
Seismic

Audience wanted to add:
Property values
Insurance

What are benefits to both neighbors and WL?

3 scenarios or outcomes from the proposed project (as identified by the Facilitator):

A. Plant remains "as is" operating under current conditional use.

The current plant operations are OK with few neighborhood complaints

B. Plant is removed and LOTWP relocates to another site.

Audience wanted to drop this as an option at first, but then became uncertain after further discussion

They want explanation why the upgrade cannot be at a LO location

C. Plant & pipes remodeled and upgraded.

Audience talked about a percentage of the LOTWP project as the correct mitigation amount

They want to know which "changes" are above and beyond the requirements in the law and WL Code in order to count as "mitigation"

The trail is not a real benefit to the neighborhood (Jack N)

Ray continues to ask about impacts associated with a 48" water pipe in a residential neighborhood

General Facilitator Observations:

I had to ask Norm E to leave because of complaints from audience that it was unfair to have someone from LOTWP attending even though the meeting was open to anyone who wanted to attend

I was tested by Kevin B on the "I want to tape the session" in an attempt to embarrass the Facilitator – It didn't work. No taping

From the John Thomas presentation it is clear the crowd knows a lot about water rights on the Clackamas River

However, I believe they have been misled about the impact of the project from some of the loud voices on the water rights issue

The crowd wants to shift to smaller group discussions (at least the GNC does) believing a group this large is not workable – I agree

After constant interruptions, the crowd collectively told Kevin B to "shut up"

Jack N lost the crowd when he continued to insist the Jones' property could be sold to create a true trail system – the body language from the Joneses suggested they were not comfortable with that discussion

Crowd "bought in" to the idea of a summary of proposals, plans, etc.

When it looked like I was ready to discontinue the facilitations because of constant interruptions, the audience ask me to continue

Current LO water treatment plant operations do not seem to be a problem for the neighbors – It's only the expansion which includes Tigard

The main emotional issue for the neighbors seems to be Tigard getting water

Probably have gotten as much out of this "neighborhood" meeting format as possible for now – come back to it later after some joint party work

Attachment 4

LOTWP Facilitation Project

Joint Meeting Question Responses

8.16.12

Question 1(a): What do you need from each other group to consider this meeting a success? (List 3)		
LOTWP	City of West Linn	RNA Neighborhood
<ul style="list-style-type: none"> • Listen and hear "yes", be civil to "no." • Recognition status quo is not an option. Plant can be expanded on current site • From WL, continue to educate citizens on water system value and value of new intertie. 	<ul style="list-style-type: none"> • A focused conversation on substantive impacts and the potential solutions held at the right time and the right way. • An understanding of the C of WL's role and the responsibilities that differentiate those roles. • A perspective that the WL community at large is impacted by the project – water rates, business community, commuters, emergency water supply, etc. 	<ul style="list-style-type: none"> • Recognition that the GNC and RNA are the primary groups to work with and that it is also a City-wide issue. • Tangible response to our serious concerns and mitigation list that was developed with significant input. • Understanding finalized for the disbursement of funds negotiated between C of WL and Partnership.

Question 1(b): What do you think "they" need from you to consider this meeting a success? (List 3)		
LOTWP	City of West Linn	RNA Neighborhood
<ul style="list-style-type: none"> • Listen, acknowledge legitimate concerns. • Construction of plant and pipes will have impacts. • Deliver and honor our pledge to be good neighbors. 	<ul style="list-style-type: none"> • What, specifically, does the C of WL require from the Partnership to make this project a success – land use, franchise fee, IGA, PMK, etc. • The City needs to promote and promulgate a fair and neutral process that does not favor the applicant or the neighborhood • A process schedule with firm deadlines that are articulated, kept and respected 	<ul style="list-style-type: none"> • Know we are seeking resolution at risk of our neighbors relationships • Present information received fairly to the neighborhood • Work with the C of WL to maximize benefits to whole City

Question 2: What Can your group propose to bring the groups closer together on the differences/issues which have surfaced in this project? (Looking for ideas (general terms) with specific details later)

LOTWP	City of West Linn	RNA Neighborhood
<ul style="list-style-type: none"> • Create clarity about how the RNA requests match up with the contents of the application (in a simple document). • Commit to insurance coverage to resolve question about insurance impacts. • Commit to an on-going consultative process throughout construction and operations • Commit to share information in new plan (smaller site layout, design) and what infrastructure for what • Infrastructure for neighborhood (water line replacement, paving) • Agree to an intertie IGA that provides benefits to all 3 communities. 	<ul style="list-style-type: none"> • A negotiated franchise agreement that is based on a reasonable, metric(s) that provides substantive capital investment in the Robinwood neighborhood as included in the adopted CIP and WL as a whole • A process schedule with firm deadlines that are articulated, kept, and respected. • Continue to educate the community on the impacts of this project on the WL water system, water supply, TVFR response, timeframes, impacts on Hwy 43 and water rates • A highly professional staff who is looking out for the best interests of WL residents and businesses 	<ul style="list-style-type: none"> • Continue to make clear at all times to Partnership and C of WL what we perceive as major stumbling issue is to a settlement. • A different approach to community involvement program in order to improve the perception of the Partnership in the neighborhood • Establish a working group to build relationships to resolve issues during construction starting with easily solvable issues • An offer to present the LOTWP "alternate site" study in the best light possible to the neighborhood including if such a study never took place. <p>Note: big issues are: Alternate Site Insurance New faces</p>

Question 3: What does your group want the other groups to consider that has not been proposed tonight? (Looking for ideas (general terms) with specific details later).

LOTWP	City of West Linn	RNA Neighborhood
<ul style="list-style-type: none"> • Review what has already been agreed to in the GNC plan • Define/identify what equals a "public benefit." (Is it mitigation, IGA, franchise fee?) 	<ul style="list-style-type: none"> • Specifically address the RNA mitigation list and crosswalk back to the Partnership application 	<ul style="list-style-type: none"> • Release the details of the insurance proposal so we can study it before our next meeting. LOTWP says: No product available Self insurance plan Can't insure some else's property Need to know who gets benefit Cover what's no already covered <u>Willing to share claims research</u> Willing to set aside \$1.5M in a self-insurance fund to supplement current coverage available to all owners along project route, available for 10 years after construction • Plant safety • Homeland Security Issues/Standards • Ways and details associated to help the RNA communicate the due diligence on the plant siting appropriately, even if it means back-filing the research

Attachment 5

Robinwood Neighborhood Association LOTWP Mitigation List as adopted December 2011 with April 2012 Status & Comments	Pipe line also	Mitigation	Status with LOTWP	GNC Comments	LOTWP Aug. 2012 Response
1	X	Insurance coverage will be maintained by LOTWP for long as the plant and pipeline are in operation to compensate local residents for any personal and real property losses caused by accidents, malfunctions, crashes, or other incidents related to plant and pipeline operations, including chemical releases, pipeline leakage, or water releases and spills, including flooding, erosion, and any form of ground movement and settling.	Partially Agreed	CRS 20.273 limits LOTWP liability for property damage to \$101,400 for a single claimant and \$605,930 for multiple claimants per incident and for personal injury or death, to \$228,700 for a single claimant and \$1,098,700 for multiple claimants. The site's CIS insurance does not cover a water leakage or overflow event, only negligence, which is virtually impossible to prove in court and to collect on.	Full management fund of \$1.0M to be established for 10 years, program ends, for compensable damages, beyond other insurance coverage limit, caused by rupture of WTP or pipeline. After 10 years, these funds will be added to an asset management fund to keep the WTP and pipeline in good condition.
2	X	Independent appraisal/evaluation of all homes in the vicinity of the plant and pipeline to determine effect of proximity to industrial plant and pipeline on future valuation	Partially Agreed	Given the industrial nature of CUP inclusion into residential zone, property value impacts need to be determined for mitigation. LOTWP claims to have done 2 appraisals, but has not produced them.	Each property parcel in the Maple Grove Park received two appraisals of homes covering all homes in the tract. Both appraisals showed no change in value as a result of the WTP upgrade and pipeline projects. Public release of this information is at sole discretion of Maple Grove property owner.
3	X	Mitigate lost tree canopy on site by removing invasives and planting native plants of the same caliber (size) on plant site or at a secondary site like Cedar Island Park.	Required/Agreed	Off site tree replacement not likely given present site plan	Tree removal fee could be applied to this item if a priority for West Linn.
4	X	Fund established to attract matching funds for remodeling Robinwood Station	Partially Agreed	Benefit to Robinwood for Construction Traffic impact to local access to this city facility.	Franchise fee could be applied to this item if a priority for West Linn.
5	X	Fund established to attract matching funds for Trillium Creek restoration	Partially Agreed	Benefit to Robinwood for construction impact. Pipeline crosses Trillium on Mapleton.	Franchise fee could be applied to this item if a priority for West Linn.
6		Move the treatment plant security perimeter away from adjacent properties so there is room to buffer pedestrian paths with berms and landscaping. No pedestrian paths on property lines.	Required/Agreed	Increased setbacks suggested by CDC 80.070 C.3. Compact plant design saves construction materials and long term energy usage and makes more space available for future expansion. LOTWP moved security perimeter to western property edge to the preclude preferred trail alignment.	Franchise fee could be applied to this item if a priority for West Linn.
7	X	Require that LOTWP develop an Emergency Response Plan to address potential threats to surrounding properties that could be triggered by a natural disaster or an operation incident. Use this plan to help inform the plant design so that potential threats to adjoining properties may be avoided, e.g. release rates for emergency water spills are measured at a rate that does not cause damage to downstream properties.	Agreed	The plan requires TVFR only covers emergency response personnel, not local residents. LOTWP currently processes a reverse 911 system with web-based opt-in for cell phones and internet phones. GNC seeks engineering to show path of potential overflows and response planning for severe water overflow events.	Franchise fee could be applied to this item if a priority for West Linn.
1	X	Treatment Plan - Construction	Agreed	Residents should not have to search for responsible parties to remediate violations or other concerns.	Franchise fee could be applied to this item if a priority for West Linn.

		Page line also	Mitigation	Status with LOTWP	GNC Comments	LOTWP Aug. 2012 Response
2	Independent mitigation compliance monitoring consultant; selected by GNC and paid by LOTWP, with all contractors subject to accelerating time schedule for non-compliance with Conditions of Approval. Require that the contractor or construction manager hold regular meetings in the neighborhood to explain the status of the project.	X	Mitigation	Refused- Partially Agreed	This mitigation is included in many other intrusive urban mill projects. Wt. Building Planning and Public are not equipped for real time enforcement of Conditions of Approval. There are no penalties for violations of construction related Conditions of Approval, therefore no incentive.	Regular meetings with construction manager agreed per 3.0 of WTP Construction Management Plan and 3.14 of Construction Plan. As to West Linn is required to comply with approved conditions.
3	Green construction practices, including: all construction vehicle using Ultra Low Sulphur Diesel, limited vehicle idling and limited use of generators.	X	Mitigation	Agreed	Some of these items are covered by current codes.	
4	Fund to offset hardship residential sales during construction phase with defined circumstances in which this could be applied, e.g. when a person is unable to delay the home sale until after construction is completed due to death, health crisis, mandatory job relocation, etc.	X	Mitigation	Ref. sec. proposed alternative	It will be virtually impossible to sell a property in the vicinity during the construction phase. Many local residents are elderly and may require relocation for care during the 3 year construction phase.	Partnership will provide information to realtors and property owners to aware with potential buyers re: WTP construction schedule, architectural and landscape improvements, safe operations, asbestos cement water line replacement, and roadway resurfacing.
5	Separate the pathway, landscaping and perimeter screening/curb contract from the plant construction contract to ensure these improvements are not dropped as a result of cost overruns.	X	Mitigation	Ref. sec. proposed alternative	Protection of required landscaping and additional mitigations from a budget overrun.	Lake Oswego has met all past, and is committed to meeting all future, conditions of approval. West Linn has ability to enforce its approval conditions if for some reason they are not met. Separate contract for landscaping offers no further assurance.
6	Construction workers may not park on local streets. Workers must park on-site or at designated off-street parking areas and bussed to the worksite. Delivery trucks may not park or wait on residential streets. They must either enter the construction site or wait in designated off-site staging areas. Access to adjacent residential properties shall be maintained at all times.	X	Mitigation	Partially Agreed	3 related items regarding street access. Language must be enforceable. See Residential Streets - Construction Item 2. With a 10 acre site, what possible scenario require off-loading or loading in the 20-24 ft wide residential street?	Truckly agrees per pp. 12-13 of WTP Construction Management Plan. Parking and other construction activities from the daily delivery of materials equipment to WTP) and pp. 3-14 of Appendix CME.
Residential Streets, Design & Improvement						
1	Hazard impact and response scenario for a pipeline break along the residential route to be developed and approved by the neighborhood.		Mitigation	Ref. sec. Partially Agreed	The plan required by TVFR only covers emergency response personnel, not local residents.	In the unlikely event of a pipeline break, closure of the nearest section (about 1/2 mile) would occur 2,000 feet by alerting residents of emergency response. The percentage of water shut would be required per pp. 5-7 of the Safe Operations Plan, included in Tab. 3 of the 6/25/12 Land Use Application for the pipeline. Clatsop County requires 311 notification is also available.
2	Permeable path without grade or slightly wider pavement cross section with multi use lanes striped & signed on one side of Mapleton. Fee-in-lieu for Half Street Improvement to be applied to an alternative amenity / cross-section on Mapleton, or to be applied elsewhere in Rosewood Neighborhood.		Required	Required/Agreed	West Linn Planning should develop the design of this required improvement with the affected property owners. The cross-section should be completed prior to the PC hearing.	
3	Given that construction activity will likely compromise the entire street section, the entire width of the current street pavement section, including the subgrade, shall be rebuilt to the current City Public Works standards.		Mitigation	Agreed	The prolonged heavy loads of pipeline construction on the un-excavated cross section are likely to compromise the subgrade and pavement.	
4	City ROW marked (survey stakes) ASAP to assist in design of final ROW.		Mitigation	Agreed	This item in the pipeline section relates to community involvement in the finished ROW design.	
5	Concrete Asbestos water lines replaced on Mapleton and Kenhorpe in cooperation with City of West Linn		Benefit or Required	Partially Agreed	Damage to fragile concrete asbestos lines on Mapleton by excavation and vibration will require replacement. Under proposed pipeline alignment, damage to lines on Kenhorpe due to traffic to be determined and cost shared with West Linn. LOTWP proposes only partial replacement.	City of West Linn, Partnership will fund replacement of asbestos water lines and will assist West Linn by designing and installing replacement of Kenhorpe asbestos water lines and as recommended by West Linn.
6	Improve the hairpin intersection at Mapleton and Nixon (old item restored to 2nd bid per PWA regs at 8/10/12 meeting)			Partially Agreed		Partnership has agreed to this item if a priority for West Linn, however, this is a local priority and not a priority for West Linn. Partnership will fund and assist West Linn by designing and installing replacement of Kenhorpe asbestos water lines and as recommended by West Linn.

		Pipe line #30		Status with LOTWP	GMC Comments		LOTWP Aug. 2012 Response
7	Additional street lighting in ravine's-curve of Mapleton (old item restored to this list per PNA resp at 8/10/12 meeting)			Partially Agreed			Franchise fee could be applied to this item if a priority for West Linn.
Residential Street - Constructions							
1	Maintain daily access to all driveways / residences by vehicle with access closures limited to DEFENSIBLE TIME HERE). Require the contractor to inform residents about all planned access closures by telephone, email and in writing at least 10 work days prior to a closure. Maintain one traffic lane open at all times on residential streets for emergency vehicle access.	Mitigation		Agreed		The DEFENSIBLE TIME HERE language was inserted here to allow for an educated conversation and decision regarding real world construction scenarios and costs. Streets must remain open at all times during non-construction hours. Language must be enforceable.	
2	Off-street staging area required. No loading, unloading or stacking of equipment or materials on residential streets, except materials (pipe and 60) for immediate placement into excavation. No equipment or materials in ROW after work hours, except construction safety and warning devices.	Mitigation		Partial Agreed		Language must be enforceable. See Treatment Plan - Construction item 6. With a 10 acre site, what possible scenarios require off-loading or loading in the 20-24 ft wide residential street, except for backfill and pipeline segments.	Franchise fee could be applied to this item if a priority for West Linn and neighboring jurisdictions for accompanying street widening each efficiency and safety with acceptable public impacts.
3	Temporary information signs and lights on Hwy43 and Nixon Intersections to indicate street closures and local access conditions on Mapleton and Kenilworth.	Mitigation		Agreed		Giving street users real time information regarding temporary closures will reduce congestion.	
4	Rebar for Storm Water Grate at Hwy 43 & Mapleton to a location out of the Mapleton travel lane.	Benefit		Agreed		This surface water intake is in the path of proposed pipeline construction.	
Hwy 43 - Design and Improvement							
1	Sidewalk or buffered multi-use path on one side of Hwy43 through the entire business district, north to West Linn city limits.	Benefit		Partially Agreed		All of these potential improvements are requested based upon the opportunity created by the construction disruption. All of these potential improvements are requested based upon the opportunity created by the construction disruption. Cooperative effort shared between LOTWP, West Linn, ODOT and METRO.	Franchise fee could be applied to this item if a priority for West Linn.
2	Left turn lanes at Arbor Dr., north and southbound	Benefit		Partially Agreed		Given the time frame for the construction phase, there is sufficient time for cooperative efforts. If not now, when will these overpass safety projects ever get done?	Franchise fee could be applied to this item if a priority for West Linn.
3	Pedestrian safety islands at Cedarwalk and Arbor.	Benefit		Partially Agreed		Given the time frame for the construction phase, there is sufficient time for cooperative efforts. If not now, when will these overpass safety projects ever get done?	Franchise fee could be applied to this item if a priority for West Linn.
Hwy 43 - Construction							
1	Maintain 2-way traffic with cones whenever width of ROW allows. Minimize 1-way traffic and flagging to 'as absolutely necessary', not the default.	Mitigation		Required ODOT Agreed		Night construction would alleviate most of this concern	
2	Maintain bike and pedestrian lanes during construction for children going to school	Mitigation		Required ODOT Agreed		Night construction would alleviate most of this concern	
3	GMC representative and City of West Linn invited to all LOTWP / ODOT meetings related to LOTWP transmission pipeline planning and permitting.	Mitigation		Partially Agreed		There is no cost to allow community representatives to attend these meetings to discuss improvements.	
30-26 Line Items							
5 items found to be Required (and Agreed to by LOTWP) in full or part by WL Code, WL Comp Plan or ODOT.							
9.5 items Agreed to by LOTWP.							
14.6 items Partially Agreed or with language inserted by LOTWP to render unenforceable.							
2.42 items Refused by LOTWP, alternates proposed by LOTWP.							

Attachment 6

**City of West Linn
LOTWP Facilitation Project
3rd Neighborhood Meeting
September 11, 2012
Facilitator Notes
Summary of Audience Questions**

Attending: 30 ish
Residency: Mostly RNA neighbors

After a presentation of the LOTWP responses to the RNA mitigation list by Jon Holland and Dennis Koellermeir, and copies of the LOTWP responses handed out, the following questions were submitted on written forms to the Facilitator from the audience at the third Neighborhood Meeting held in the former Robinwood Fire Station on September 11, 2012. In some instances multiple questions were asked about the same topics which have been summarized herein. Some of the questions were written illegibly or incoherently and have been ignored after trying to interpret their meaning. Others were mere arguments for a position which also have been ignored. The name of the author of each question was optional and, therefore, not included in this summary.

PLEASE NOTE: Each individual who wrote on the question form may not find their exact words in the summary of questions below. Some of the questions have been paraphrased for clarity.

At the meeting the LOTWP representatives agreed to submit brief written responses to the questions which are summarized by the Facilitator below. City of West Linn may be a more appropriate respondent for some of the questions.

Summary of Questions (Answered at Meeting)

1. What are the greatest noise generators and how is it being attenuated?
2. How fast would the chemicals spread if accidentally released?
3. Will the overflow pipeline from the plant to the river be expanded?
4. How will these mitigation items appear as conditions of approval of the CUP?
5. Will you hold on site meeting soon and show with survey stakes proposed corners of buildings, clearwell, roads, pumps, etc.? Also with balloons indicating building heights, etc.?
6. Where are the drawings?
7. Why hasn't an alternate site/source study been done? (4 questions sheets)

8. For the risk management fund, why only 10 years duration? (3 question sheets)
Other comments: The fund should be invested to earn a return
The amount should be \$1.5 billion – not million
9. Would the street (Kenthorpe Way) ever be completely closed for short times?
10. How will the Mapleton/Nixon connection be handled during construction?
11. Explain how one lane of traffic will be maintained open on Mapleton during pipeline installation.
12. If Nixon Ave. is used for heavy truck traffic, will it be resurfaced?
13. Please explain the franchise fee concept. How many of the mitigations items are resolved by the franchise fee? How can we ensure the franchise fee will cover all items on the mitigation list? How much will the franchise fee generate? (8 question sheets)

Summary of Questions (Not Answered at Meeting)

14. Will LOTWP pay a construction transportation fee?
15. Why or when would the treatment plant not be manned?
16. How many piles will be installed and how long will this activity last?
17. Will there be any pre-condition surveys of nearby homes done?
18. What exactly were the 2 appraisals based on that were referenced at the meeting?
Comment: I never received an appraisal on my home.
19. Will homeowners be compensated if they demonstrate an actual loss in property value after the plant is constructed?
20. Why doesn't LOTWP buy any house for sale in the construction affected area if house stays on market more than "X" number of weeks?
21. Has the location of the "pipe" at the Nixon/Mapleton connection been set so future realignment can occur?
22. Will trees lost at the HDD site also be replaced?
23. Will LOTWP reimburse residents for costs incurred due to inability to access homes by vehicle?

24. When overnight construction occurs on Hwy 43, will there still be daytime construction on Mapleton "pipe" and the plant? If so, will LOTWP provide alternate housing so people can sleep since for 5 or 6 days straight there will be around the clock construction?
25. How does LOT plan to compensate West Linn residents for pain and suffering incurred by their project?
26. What are the benefits to the neighborhood for dealing with 3 years of construction traffic exclusive of the mitigation items?
27. What are the pedestrian rules for school children?