

Memorandum

Date: April 25, 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 25, 2012, Planning Commission public hearing and recommended modification to condition of approval

This memo supplements the public record for project file CUP-12-02/DR-12-04 with testimony received since the Wednesday, April 18, 2012, public hearing; the testimony is attached.

Staff is also recommending a modification to Condition of Approval 13, as follows:

13. Fencing. Fencing shall not exceed three feet in height within ~~front yard setbacks~~ 20-feet of the site's northern property line on Kenthorpe Way and within 20-feet of the site's southern property line on Mapleton Drive.

This recommended change to Condition of Approval Number 13 reflects the inapplicability of base zone setbacks for Conditional Uses while preserving the aesthetic benefits of reduced fence heights in the front-yard area.

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, April 25, 2012 11:28 AM
To: Pelz, Zach
Subject: FW: Safety and Security Question regarding CUP12-02 LO Water treatment 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: Vicky and Pat [mailto:patvicsmith@q.com]
Sent: Wednesday, April 25, 2012 9:02 AM
To: Sonnen, John
Subject: Re: Safety and Security Question regarding CUP12-02 LO Water treatment plant

Thank you - I am still trying to navigate this whole public process.

I appreciate that this email is in the record, how and when are these questions answered and how and when are the other questions that have been asked through out this process answered?

From: "John Sonnen" <JSONNEN@westlinnoregon.gov>
To: "Vicky and Pat" <patvicsmith@q.com>
Cc: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Sent: Wednesday, April 25, 2012 8:25:38 AM
Subject: RE: Safety and Security Question regarding CUP12-02 LO Water treatment plant

Your email was added to the record. It is not helpful to include the mayor or council at this point as the matter is before the Planning Commission.

John

 CITY OF
West Linn
John Sonnen
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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: Vicky and Pat [<mailto:patvicsmith@q.com>]
Sent: Wednesday, April 25, 2012 6:31 AM
To: Sonnen, John; Pelz, Zach
Subject: Fwd: Safety and Security Question regarding CUP12-02 LO Water treatment plant

John Sonnen:

It appears Chris is out of the office until April 30th. I would assume emails sent to him regarding CUP 12-02 were forwarded to either Zach or you, but since I have received no response from either of you, I am sending this again in the hopes our neighborhood gets some answers to these questions that have been raised verbally and in emails for sometime by several people.

Can you please confirm you have received this and if at all possible provide answers today.

Also can you please confirm how Questions ASKED during public testimony at planning commission hearings are answered?

Thank you for your time.

From: "Vicky and Pat" <patvicsmith@q.com>
To: "Chris Kerr" <ckerr@westlinnoregon.gov>, "John Kovash" <jkovash@westlinnoregon.gov>
Cc: "Kevin Bryck" <kevinbryck@comcast.net>, "Vroman Shanon" <shanonmv@comcast.net>, "rebecca walters" <rebecca_walters@adp.com>, "Ken Hanawa" <kenhanawa@yahoo.com>, "Natalie Cooper" <n.nahey.4.coopers@comcast.net>, "Tom & Gwen Sieben (gwensieben@att.net)" <gwensieben@att.net>, "Jones Eric" <ericjones2009@aol.com>, "King Lamont" <lamontking@comcast.net>
Sent: Sunday, April 22, 2012 5:20:09 PM
Subject: Safety and Security Question regarding CUP12-02 LO Water treatment plant

To Chris Kerr and Mayor Kovash -

It was brought out in public testimony [last Wednesday](#) night and we believe the City of West Linn needs to clarify for the West Linn Planning Commission and the citizens of West Linn, several questions about the potential expanded plant as it relates to **Safety and Security**.

We fully understand that West Linn may not have access to all the detailed Safety and Security Management plans as they relate to protecting this facility, however you should be aware of the basics and how the proposed expansion may change its "classification" or importance as a regional water provider and consequentially how this plant needs to be "secured" in the future. Lake Oswego is more than doubling the capacity, increasing storage and more than doubling the population that will be dependent on this water.

1. Has the applicant and the City of West Linn reviewed the proposed expansion with the Department of Homeland Security or its "Information Analysis and Infrastructure Protection division" to understand what will be required and how this differs from what is currently in place.
2. If not, how can the application be deemed complete when so many of the proposed features and site layout could fundamentally change?
3. In the event that additional security features be required by a STATE or FEDERAL AGENCY, such as full perimeter fencing, higher security fencing and high intensity lighting, would the City have any authority to re-open the Conditional Use Permit or hold the applicant to what is being shown in CUP-12-02?

These are basic questions that need answers before the Planning Commission votes on this application.

Please do not ask us to ask the applicant, you have a responsibility to understand and evaluate this relative to the Land use issue before you.

Thank you for your time, we look forward to your answers before Wednesday's next Planning Commission meeting.

My name is Jan Gerber and I live at 3940 Kenthorpe Way, West Linn. I oppose the LOT expansion of the water treatment plant in our neighborhood. I have numerous concerns and question the "benefit" that LOT has purportedly put forth in an effort to have the CUP approved. The area of concern I will address here regards only one small segment of what will assuredly be a "monstrous" undertaking in a residential neighborhood. I am speaking about the estimated 7700 truck trips that will be required to haul out the dirt for the clearwell. Apparently, truck traffic will be using both Kenthorpe and Mapleton then onto 43. These trucks will only be a part of the heavy equipment that has to be moved up and down the streets to accomodate this expansion. In no way does it seem possible for the speed and the flow of this heavy truck traffic to be regulated in such a manner as to assure safe passage on our streets.

Both Kenthorpe and Mapleton streets are narrow with no sidewalks on either side. SAFETY is of the utmost importance to all of us, and both streets carry pedestrian traffic as well as bicycle traffic. Many neighborhood residents walk to Mary S Young, Cedaroak School, and the businesses on 43. We are 1 block from Cedaroak Elementary School and the trucks will also greatly affect pedestrian, school buses, school traffic, and residential traffic on Cedaroak. The stoplight at Cedaroak is relatively short, and this will most likely result in a huge traffic backup which can affect timing for the school buses.

In addition the hauling of hazardous materials to a site that sits in a neighborhood and close to a school should be scrutinized.

Essentially the livability factor in our neighborhoods will be degraded for approximately 3 years. I do want to ask if the tables were turned would Lake Oswego be amenable to allowing a project of this magniitude with LIMITED and QUITE POSSIBLY NO BENEFITS in one of their neighborhoods?

Thank you for your consideration on this important matter.

Jan Gerber

Jan Gerber
April 25, 2012



4/25/12

To the West Linn Planning Commission:

I am compelled to write one final letter regarding the proposed LO/Tigard water treatment plant expansion. Your decision on this conditional use permit is a critical one, and I know that every one of you has put much deliberation into this matter.

I implore you once again to really assess the issue of what West Linn stands to gain on this as opposed to what the city stands to lose. It should appear obvious that this massive construction project that is being imposed on a quiet residential neighborhood is just fundamentally wrong. The supposed benefit that West Linn will derive from this is not only specious, but also inadequate in exchange for the chaos that this project brings to the community. It has repeatedly been shown that West Linn has no needs that will be fulfilled by this project, and the smokescreen that LOT has proffered in the form of emergency water should be seen as just that....a smokescreen so that they can get what they want.

I realize that you cannot make your decision based on emotion, and I would hope that you can see that this goes beyond the emotional outrage of a few neighbors. You must make your decision based on the criteria of the CDC, and I think it is apparent that those criteria as regards the needs of the community are not being met by this project.

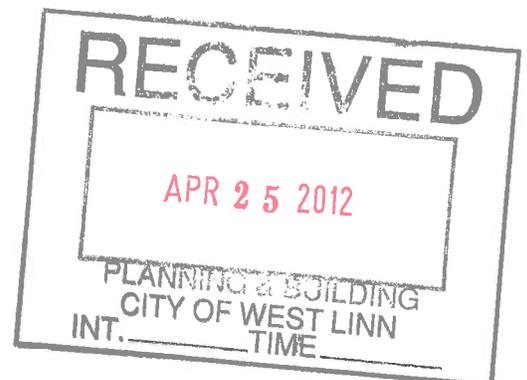
I might argue that the scope of this proposed project goes well beyond what might be considered "conditional use", but in the end can only hope that you see this for the travesty that it is and vote a resounding no on this proposal.

Thank you for your time and attention

Scott Gerber

3940 Kenthorpe Way

West Linn, OR



Pelz, Zach

From: Kevin Bryck [kevinbryck@comcast.net]
Sent: Wednesday, April 25, 2012 10:08 AM
To: Pelz, Zach
Subject: More 12-02
Attachments: GNC Mitigation MarkupPDF.pdf

RNA GNC Mitigation List 3/29 Markup		Pipeline also	Type	Status	Comment
Treatment Plant - Design and Operation					
1	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.	X	Mitigation	Refused	ORS 30.273 limits LOTWP liability for property damage to \$101,400 for a single claimant and \$504,900 for multiple claimants per incident and for personal injury or death, to \$566,700 for a single claimant and \$1,066,700 for multiple claimants. The cities' CS insurance does not cover any type of water leakage or overflow event, only gross negligence, which is virtually impossible to prove in court and to collect on.
2	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.	X	Mitigation	Refused	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.
3	Mitigate lost tree canopy on site by removing invasives and planting native plants of the same caliper (size) on plant site or at a secondary site like Cedar Island Park	X	Mitigation	Required / Agreed	Off site tree replacement not likely given present site plan
4	Fund established to attract matching funds for remodeling Robinwood Station	X	Benefit	Refused	Benefit to Robinwood for Construction Traffic impact to local access to this city facility.
5	Fund established to attract matching funds for Trillium Creek restoration	X	Benefit	Refused on PG2 GNP	Benefit to Robinwood for construction impact. Pipeline crosses Trillium on Mapleton.
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		Mitigation	Required	Increased setbacks suggested by CDC 60.070 C.3. Compact plant design saves construction materials and long term energy usage and makes more space available for future expansion.
7	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 metered at a rate that does not cause damage to downstream properties.	X	Mitigation	Minimum plan required by CDC and TVFR	The plan required by TVFR only covers emergency response personnel, not local residents. Reverse 911 with internet based opt-in program for all telephone devices. LOTWP currently proposes a reverse 911 system with web-based opt in for cell phones and internet phones. GNC seeks some form of response planning for severe water overflow events.
Treatment Plant - Construction					
1	Construction mitigation single point of contact with 24 hour hotline for reporting, using LOGCOM. Require contractor to report construction related complaints to the West Linn when they occur and summarize responses addressing complaints each month in a written report to the West Linn.	X	Mitigation	Agreed	Residents should not have to search for responsible parties to remediate violations or other concerns.
2	Independent mitigation compliance monitoring consultant selected by GNC and paid by LOTWP, with all contractors subject to accelerating fine 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	This mitigation is included in many other intrusive urban infill projects. Our Building, Planning and Police 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 disincentive.
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	Refused	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.
5	Separate the pathway, landscaping and perimeter screening/buffer contract from the plant construction contract to ensure these improvements are not dropped as a result of cost overruns.	X	Mitigation	Refused	Protection of required landscaping and additional mitigations from a budget overrun.
6	Construction workers may not park on local streets. Workers must park on-site or at designated off-street parking sites and bused 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?
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	Refused	The plan required by TVFR only covers emergency response personnel, not local residents.
2	Permeable path without curbs or slightly wider pavement cross section with multi use lane 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 Robinwood Neighborhood		Required	Required	West Linn Planning should develop the form of this required improvement with the affected property owners. This 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	Potential	The prolonged heavy loads of pipeline construction on the unexcavated 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 / Required	Potential	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.
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	Partial refused	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 staging of equipment or materials on residential streets, except materials (pipe and fill) for immediate placement into excavation. No equipment or materials in ROW after work hours, except construction safety and warning devices.		Mitigation	Partial refused	Language must be enforceable. See Treatment Plant - Construction Item 6. With a 10 acre site, what possible scenario require off-loading or loading in the 20-24 ft wide residential street, except for backfill and pipeline segments.
3	Temporary information signs and lights on Hwy43 and Nixon intersections to indicate street closures and local access conditions on Mapleton and Kenhorpe.		Mitigation	Agreed	Giving street users real time information regarding temporary closures will reduce congestion.
4	Relocate Storm Water Gate 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	Refused	All of these potential improvements are requested based upon the opportunity created by the construction disruption.
2	Left turn lanes at Arbor Dr., north and southbound		Benefit	Refused	Given the time frame for the construction phase, there is sufficient time for cooperative efforts.
3	Pedestrian safety islands at Cedarbrook and Arbor.		Benefit	Refused	This is long overdue due to pavement width at this location, Tri-met bus stops and pedestrian and vehicle traffic to access shopping.
Hwy 43 - Construction					
1	Maintain 2-way traffic with cones wherever width of ROW allows. Minimize 1-way traffic and flagging to 'as absolutely necessary', not the default.		Mitigation	Required ODOT	Night construction would alleviate most of this concern
2	Maintain bike and pedestrian lane during construction for children going to school		Mitigation	Required ODOT	Night construction would alleviate most of this concern
3	GNC representative and City of West Linn invited to all LOTWP / ODOT Meetings related to LOTWP transmission pipeline planning and permitting.		Mitigation	Refused	There is no cost to allow community representatives to attend these meetings to discuss improvements.

28 Line Items
4 Agreed
5 Required
12 Refused

Summary of Comments on GNC Mitigation MarkupPDF (3).pdf

GNC Mitigation MarkupPDF (3).pdf contains no comments

Pelz, Zach

From: RNA Great Neighbor Committee [rnagnc@gmail.com]
Sent: Wednesday, April 25, 2012 10:08 AM
To: Pelz, Zach
Subject: CUP 12-02 4/25 PPT for staff report
Attachments: GNC to PC CUP 12-02 425.ppt

I will have my own computer for this, so this is for inclusion in the report.
For whatever reason, the PDF version is huge and won't likely email.

Will send PDF pages of RNA plan with comments and LOTWP GNP markup to follow.

RNA Great Neighbor Committee

RNAGNC@gmail.com

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

Robinwood Neighborhood Association

great Neighbor Committee

Robinwood Neighborhood Association Great Neighbor Committee

Mission Statement

In the event that the proposed Lake Oswego-Tigard Water Project is built within the Robinwood Neighborhood Association, the Mission of the Great Neighbor Committee is:

- To educate the Robinwood community and to publicize the scope of the proposed LOTWP construction plan.
- To gather a broad range of mitigation and enhancement ideas from the Robinwood community via community meetings and a website.
- To organize and report mitigation and enhancement ideas to the full Robinwood Neighborhood Association.
- To negotiate mitigation and enhancement priorities with LOTWP representatives through the Great Neighbor Plan process.
- To advocate for the Robinwood Community's interest throughout the West Linn Planning process.
- To be an advocate for a Great Neighbor relationship with the LOTWP water treatment plant.

Robinwood Neighborhood Association Great Neighbor Committee

Mitigation Goals

That the City of West Linn should pursue all opportunities to work with developers and other agencies to coordinate planning, design and construction activities within Robinwood to further these goals.

•That new development should endeavor to create a safer community. Opportunities to build safer commons should always be pursued.

8. That new development should not interfere with the easy conduct of our daily lives or with ready access to our commons.

•That new development should preserve the residential character of Robinwood, with abundant foliage and tree canopy, inconspicuous structures and narrow, winding rights-of-way.

•That new development should not alter the ambient noise level of the neighborhood, so that the quiet and peaceful nature of the neighborhood is preserved.

•That new development should not adversely affect the monetary value of our home investments or the health of our business community.

•That new non-residential development, not typically found in residential areas, be visually screened from adjacent residential properties and the commons, to minimize adverse visual impacts.

•That new development that is out of character with our neighborhood, and with the Comprehensive Plan and with current zoning, and does not primarily benefit the Robinwood community and West Linn, should provide other tangible benefits to the Robinwood and to West Linn, in return for our largesse.

•That all meetings between developers and government entities should be accessible to the public.

Robinwood Neighborhood Association Great Neighbor Committee

Mitigation Selection Criteria

Mitigations shall:

- address one or more of the Mitigation Goals, and
- be practical to conduct or construct, and
- not be substantially required by another regulating agency, and
- provide relief from temporary construction conditions, or
- compensate for actual and potential long term changes, effects and losses created, or
- improve the overall community, in kind, for allowing non-conforming uses.

Mitigations should endeavor to complete existing City of West Linn Master Plans, so long as the implementation respects the character of the neighborhood and has substantial community support.

Comprehensive Plan - conditional use defined

Comprehensive Plan. An official document of a local government that includes goals and policies that direct how the community will develop. It may also include action measures or strategies for implementing the goals and policies. Oregon Administrative Rules further define a Comprehensive Plan as a "generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs" (ORS 197.015). In Oregon, a comprehensive plan is adopted by ordinance, has the force of law, and is the basis for zoning and subdivision ordinances and other regulations. A number of other City planning documents support and/or implement the plan.

Conditional Use. A proposed use of land which may be allowed after the City Planning Commission has determined that the proposed use is appropriate for the site, compatible with surrounding uses, is supported by City public facilities, and is of overall benefit to the community and meets all other relevant criteria.

West Linn CDC Definitions

WEST LINN COMMUNITY DEVELOPMENT CODE

02.030

Rough proportionality. The allowed relationship between an exaction imposed to comply with a City code standard and the impact of the proposed development that is alleviated through imposition of the exaction. The measure of rough proportionality involves the following steps:

1. Identify the public problem caused or exacerbated by the proposed development which the proposed exaction is designed to address.
2. Measure the impact of the proposed development upon the identified public problem.
3. Analyze how the proposed exaction solves or alleviates the identified public problem.
4. Analyze the proportionality of the proposed exaction to that part of the problem created or exacerbated by the proposed development.

Good Neighbor Plan Lake Oswego Tigard Water Partnership Water Treatment Plant



December 19, 2011



This is essentially not true. There was no collaboration. LOTWP has unilaterally incorporated some of the RNA GNC mitigations, without any substantial discussion or consultation.

Again, this is LOTWP's document and their edit of mitigations, without any consultation with RNA GNP regarding what is included or how mitigations are re-related to their benefit.

This is not true. Water may be sourced from NCDWC, which has an inter-tie with South Fork. This is where Oregon City got water during the recent disruption.

Lake Oswego Water Treatment Plant: Good Neighbor Plan

Purpose

_____ that will guide facility and site design, construction, and operation for the Partnership's drinking water treatment plant in West Linn. The Plan reflects a good faith effort and commitment by both parties 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.

_____ As circumstances change, the Partnership and the RNA fully expect to update the Plan and make any changes needed to achieve the parties' shared goals.

Introduction

The City of Lake Oswego has operated a drinking water treatment plant in West Linn's Robinwood neighborhood since 1968. The site is zoned R-10 (residential). West Linn defines WTP use as "Utility, major", allowed in R-10 as a conditional use. In 1996, West Linn approved a conditional use and design review for WTP expansion, with 18 conditions of approval. Lake Oswego is in compliance with all 1996 approval conditions. Operating at its present location for over forty years, the plant has generally earned a reputation for being a good neighbor.

Now, the Partnership plans to upgrade and expand the treatment plant to meet Lake Oswego's and Tigard's current and future drinking water needs. _____

_____ As the treatment plant expands, further steps must be taken to ensure the facility remains compatible with its neighbors and quiet setting.

The Partnership is committed to keeping water treatment plant neighbors informed and involved throughout the water treatment plant improvements. The project team has worked with plant neighbors, RNA, and the City of West Linn to develop the Plan.

The Plan ensures neighbors' interests are considered through the life of the project and beyond. The Plan includes guidelines for every phase: design, construction, ongoing operations, and communications.

The Planning Process

The Plan was developed over a twenty-month period (April 2010 to December 2011). The process included:

- Presentations and discussion at regular monthly meetings of the RNA
 - ✓ Monthly between April 2010 - January 2012
 - ✓ April 16, 2011 Lake Oswego and Tigard Mayors meeting with Robinwood neighbors
- Open houses and tours at the treatment plant
 - ✓ June 24, 2010 Water Treatment process reconnection Open House
 - ✓ July 24, 2010 Water Treatment Plant Open House
- These planning workshops
 - ✓ August 4, 2010 Maple Grove Flat property owners
 - ✓ October 27, 2010 First Good Neighbor Plan meeting
 - ✓ December 1, 2010 Second Good Neighbor Plan meeting

Highlight Code:
 Blue = Required, entirely or in part by WL CDC and/or Comp Plan
 Green = Requested by the RNA and agreed to by LOTWP
 Yellow = Not requested by RNA
 Orange = Requested by RNA and denied by LOTWP

Water Treatment Plant Design
 The Water Treatment Plant will be upgraded and the capacity increased from 18 to 38 mgd (million gallons per day) using Lake Okauchee's minimum water rights from the Crookston River. The recommended plan is to reconfigure the plant and convert the treatment process from direct filtration to conventional treatment plus ozone. Other modifications include a new, larger clearwell (underground reservoir) and treated water pump station, mechanical process to handle solids, upgrades to chemical feed systems, miscellaneous improvements to existing buildings, a pathway and site re-landscaping.

The following recommendations supported by neighbors and the Partnership will be used by the water treatment plant design team to help create a facility that blends in with the neighborhood.

Landscape/Site Design

- Provide setbacks compatible with those for nearby neighborhood homes that meet West Linn zoning standards.
- Buffer the facilities from adjacent properties using appropriate manufactured or natural systems where suitable and possible.
- Mitigate lost tree canopy on site by removing invasive species and planting native trees and plants per the COVIL Code requirements. For needed off-site mitigation, pay into the West Linn "Canopy Replacement Fund" so that that West Linn may determine the best location for replanting. Neighbors have expressed a desire for additional Tritium Creek mitigation within the neighborhood.
- Consider "green" features for the treatment plant:
 - Native vegetation to conserve water
 - Energy conserving pumps, lighting and electrical equipment
 - Solar collectors for renewable power generation
- Landscaping, fencing and walkways should be designed to fit the residential setting.



Landscaping will enhance the residential look and feel of the facility.

Lake Okauchee Water Treatment Plant - Good Neighbor Plan 3

From earlier draft of RNA plan, based on preliminary site plan presented 10 / 2010.

Facilities

- Locate taller process facilities in the central area of the site, away from homes, rather than near property setbacks and adjacent to homes.
- Design buildings visible from the neighborhood to have residential scale and appearance.
- Locate new clearwell, pump house and electrical building so that minimum setbacks between the new facilities and homes are met.
- Design facilities to minimize off-site treatment plant noise and odors. Measure baseline noise level around the existing plant.
- Use low level lighting for water treatment plant facilities, prevent off-site glare and light trespass.
- Install fence with non-industrial appearance, designed to fit the neighborhood setting yet provide adequate security.



Residential scale and design features will make the treatment plant better fit the neighborhood setting.

Access

- Build a pedestrian path - buffered from adjacent property owners - that connects Mapleton Drive with Kenthorpe Way and meets West Linn development code standards.
- Install a half street improvement along the Water Treatment Plant Heritage (Kenthorpe and Mapleton) Heritage with "Green Street" treatment.
- Locate fence line to provide public access to a portion of the Mapleton Drive parcels.
- Every effort will be made to maintain vehicle access to driveways during construction and minimize any road closures. Periodically, it may be necessary to close a road or to provide a detour. When this occurs, advance warning will occur and signage or flaggers will guide drivers through detour routes. Access to homes for emergency vehicles will always be maintained.

Construction

Construction of the upgraded and expanded treatment plant is expected to take approximately twenty eight months. Mitigating the impacts of construction on treatment plant neighbors is a top concern of neighbors and a top priority for the Partnership in protecting neighborhood livability.

The contractor will be required to meet noise, erosion, emissions, dust, traffic and parking, work hours, site security and safety standards. The following construction mitigation measures identified by neighbors and Partnership will also be required of the contractor:

- Shut off idling equipment when not in use. Schedule noisier construction operations to limit their duration. Give advance notice to neighbors when noisy work will occur outside these times.
- A regular "Coffee with the Construction Manager" will be provided throughout construction as long as there is interest on the part of neighbors and others.
- All off road construction equipment operating on site will use ultra low sulfur diesel, be in good working order and will comply with current emissions standards as applicable to new and used off-road diesel equipment and fuel.

RNA GNC WTP - Construction # 3
 RNA GNC WTP - Construction # 3

Lake Okauchee Water Treatment Plant - Good Neighbor Plan 4

With an almost 10 acre site, there is no location for any equipment or materials to be loaded off the site.

Staff said that this was required as part of the application at the Pre-app meeting.

Residential Streets - Design #3 requests full street repair for Mapleton, and any other streets impacted by heavy construction traffic. CUP requires new street improvement, to current standard, not restoration to current condition.

- As much as practicable, locate noise producing activities/equipment in central part of site, away from neighbors.
- All noise generating activities will conform to CDWL, Oregon Department of Environmental Quality, and Occupational Safety and Health (OSHA) requirements. Noise portable equipment, such as generators or compressors will be located as far from residential receptors as practicable. Particular noise dampening forcing will be used to limit noise impacts where needed.
- Maintain vehicular, bicycle, pedestrian and emergency vehicle access to area homes throughout construction.
- Every effort will be made to load and unload equipment and materials on the Water Treatment Plant property during plant construction. In the event that materials need to be unloaded on residential streets, foggers will be used to ensure that the safety of the traveling public is the highest priority.
- Ensure safe pedestrian, bicycle and vehicular school commute during the construction period.
- Provide off-street off-site parking for construction workers during construction. ~~On-site parking~~ parking for construction supervisor, inspector and project management staff will be provided.
- Use visible ID badges or other methods to identify construction workers.
- Maintain pavement condition on Mapleton Drive and Kenithorpe Way, during and after construction.
- Require reduced speed limit for construction vehicles when traveling through residential neighborhoods if allowed by CDWL standards.

The City of Lake Oswego will also

- After a construction contractor is hired, identify all construction material staging areas, temporary offices and trailers and equipment and commuter parking areas, on and off the plant site for the RNA.
- Provide 24/7 construction hotline telephone number that provides access to report problems.
- Coordinate with the City of West Linn on construction of West Linn infrastructure projects during water project work to view if there are opportunities for West Linn to save money.
- Lake Oswego will repair or rebuild, if required, all streets that are damaged by Water Partnership projects to as good or better condition as prior to construction and according to CDWL standards.
- Use informational signage and lights at Mapleton and Hwy 43 and Nixon ~~intersections~~ to indicate closures and other road conditions.
- Any street reconstruction or paving will meet CDWL engineering standards for grading to meet surface water flows. The City of West Linn Engineering Department will review all plans for consistency with its requirements. If, at the time of paving, CDWL would like to install additional surface water improvements, Lake Oswego will coordinate with them.
- Maintain landscape where visible to neighbors to a level appropriate to the location and type of landscaping.
- Report to Robinwood Neighborhood Association on construction activities as needed.

Ongoing Operations

Once construction is complete, the Partnership will continue to operate the treatment plant with a high level of sensitivity to its neighbors. The neighborhood and Partnership agree the following neighborhood requests will be incorporated into the plant's standards of operation.

- Minimize off-site treatment plant noise and odors.

Lake Oswego Water Treatment Plant - Good Neighbor Plan 5

RNA GNC WTP - Construction # 6

From earlier draft of RNA plan, based on resident request during 1996 construction. Not enforceable by WLPD therefore the legality questioned.

RNA GNC WTP - Construction # 9

RNA GNC Residential Street - Construction # 3

GNC mitigation plan calls for immediate direct notification via method agreeable to immediate neighbors (Audible Alarm or Reverse 911)

- Allow controlled use of the Treatment Plant's future emergency access road by Kenithorpe Way neighbors in the event of an emergency that would block access for residents of this dead-end street.

Communications

Communications among the RNA, treatment plant neighbors and the Partnership team will occur throughout the plant upgrade and expansion project as well as after upgrades are completed. After the new treatment plant is on-line, plant staff will periodically communicate with neighbors and the RNA.

Lake Oswego's water treatment plant has an emergency response plan in place, and procedures are closely coordinated with the local emergency responders: Tualatin Valley Fire & Rescue and West Linn Police Department. Tualatin Valley Fire & Rescue inspects the plant facilities at least annually. In event of an emergency, communications with plant neighbors would be initiated by the noted emergency responders.

Full information on drinking water treatment chemicals used on-site is maintained at the treatment plant. Plant staff are available to answer neighbors' questions about these chemicals. The plant's drinking water disinfection process was converted years ago to use a sodium hypochlorite (bleach) solution. There is no use or storage of chlorine gas on-site.

The following communication strategies will be implemented by the WTP staff:

- Treatment plant staff continue to provide information and answer neighbors' questions about chemical's used and stored on-site, and transported through the neighborhood.
- Hazard analysis and hazard response plan for all chemicals at the plant to be shared with West Linn residents.
- Continued use of Tualatin Valley Fire and Rescue reverse 911 alert system.
- Update neighbors and the Robinwood Neighborhood Association on any changes in process chemicals or emergency procedures affecting neighbors.
- Hold an open house/our at the treatment plant once or twice per year.
- Keep neighbors informed about the pertinent plant activities through community meetings, website and email updates, mailings and presentations at RNA meetings.

Learn More

For more information about the Lake Oswego Water Partnership or the Good Neighbor Plan for the Partnership's water treatment plant contact:

Jane Hecker, Communications Director
City of Lake Oswego
503-697-6573 / jhecker@ci.lakeoswego.or.us

For information about the water treatment plant:

Kari Duncan, Water Treatment Plant Manager
City of Lake Oswego
503-697-6593 / kduccan@ci.lakeoswego.or.us

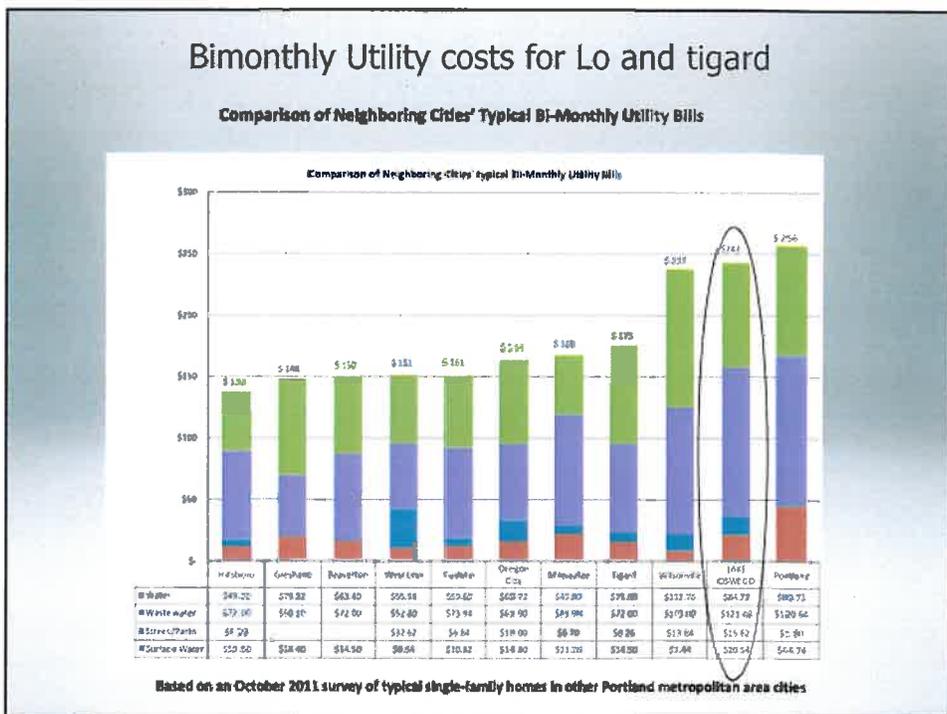


A water treatment plant open house held in August 2010 was well attended by neighbors.

Lake Oswego Water Treatment Plant - Good Neighbor Plan 6

Robinwood Neighborhood Association

Mitigation Plan



Waluga Liability Q & A

1. Who is responsible should the tanks fail and adjacent property is directly or indirectly damaged due to the release of the stored water?

In the event of tank failure, responsibility for losses would be determined in accordance with Oregon law. While as a general rule a municipality may have responsibility (within statutory limits) where losses result from the municipality's negligence in the operation, construction or design of the system, the actual allocation of liability depends on the particular facts surrounding each occurrence as well as the nature of the claims. The city maintains insurance covering such liabilities. In addition, the City generally requires its design and construction contractors to maintain insurance covering the city against claims resulting from the contractors' negligence.

2. What process would be used to address a claim for damages to property related to a tank failure?

Property owner claims for damages to their properties due to a release of water from the tank(s), may be sent to the City. The City's insurance provider will evaluate the claim and make a determination of whether the City bears any liability for the event. If the City is determined to be liable, then the claim will be handled through the City's normal claims process. If the City is determined to not be liable, then the claim will be rejected and the property owner(s) would need to submit the claim to their own insurance carrier.

ORS Tort Limitations on Liability of Public Bodies

30.273 Limitations on liability of public bodies for property damage or destruction. (1) The limitations imposed by this section apply to claims that:

- (a) Are subject to ORS 30.260 to 30.300;
- (b) Are made against a public body, or against a public body's officers, employees and agents acting within the scope of their employment or duties;
- (c) Arise out of a single accident or occurrence; and
- (d) Are claims for damage to or destruction of property, including consequential damages.

(2) The liability of a public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, for claims described in subsection (1) of this section may not exceed:

- (a) \$100,000, or the adjusted limitation provided by subsection (3) of this section, to any single claimant.
- (b) \$500,000, or the adjusted limitation provided by subsection (3) of this section, to all claimants.

(3) Beginning in 2010, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of

Current adjusted limitation are
for personal injury or death, \$566,700 for a single claimant and \$1,066,700 for multiple claimants.
for property damage, \$101,400 for a single claimant and \$506,900 for multiple claimants.

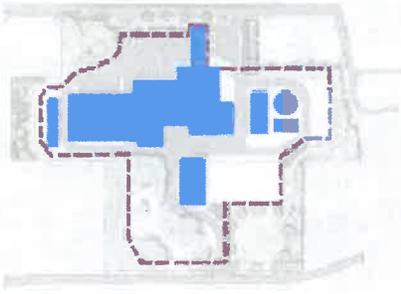
Goal 12: Transportation

PEDESTRIANS

POLICIES

1. Promote a comprehensive cohesive network of pedestrian paths, lanes, and routes that accomplishes the following objectives:
 - a. Connects the four commercial centers in Willamette, Bolton, Robinwood, and Tanner Basin.
 - b. Provides connections to schools, recreation facilities, community centers, and transit facilities.
 - c. Use off-street pedestrian "short-cut" pathways to provide routes where physical constraints or existing development preclude the construction of streets with sidewalks.
 - d. Provide safe, secure, and desirable walkway routes, with a preferred spacing of no more than 330 feet, between elements of the pedestrian network.
 - e. Eliminate gaps in the existing walkway network and provide pedestrian linkages between neighborhoods. Preference will be given to funding projects that eliminate gaps along arterial and collector streets.
2. Employ a variety of methods to promote safe and convenient pedestrian access in addition to, or instead of, sidewalks in older developed areas of West Linn without sidewalks.
3. Pursue all available funding sources for pedestrian projects. Coordinate with Clackamas County, ODOT, the School District, Metro and other agencies to obtain funding to complete walkway network improvements.
4. Promote safety for pedestrians when crossing major streets through use of appropriately located crosswalks, raised islands, and medians and other appropriate measures to alert vehicles operators to the presence of pedestrians.

PLANT SITE COMPARISONS - PRELIMINARY VS REAL



PRELIMINARY SITE PLAN
12/1/09



CURRENT SITE PLAN
11/27/11

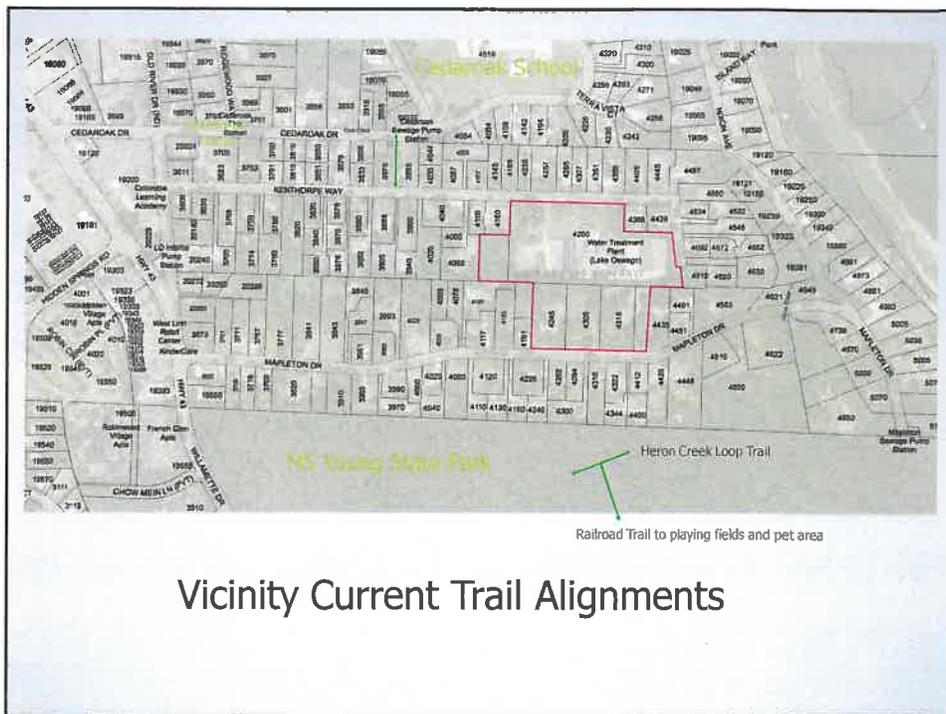
LEGEND

- SECURE PLANT FOOTPRINT
- BUILDING FOOTPRINTS

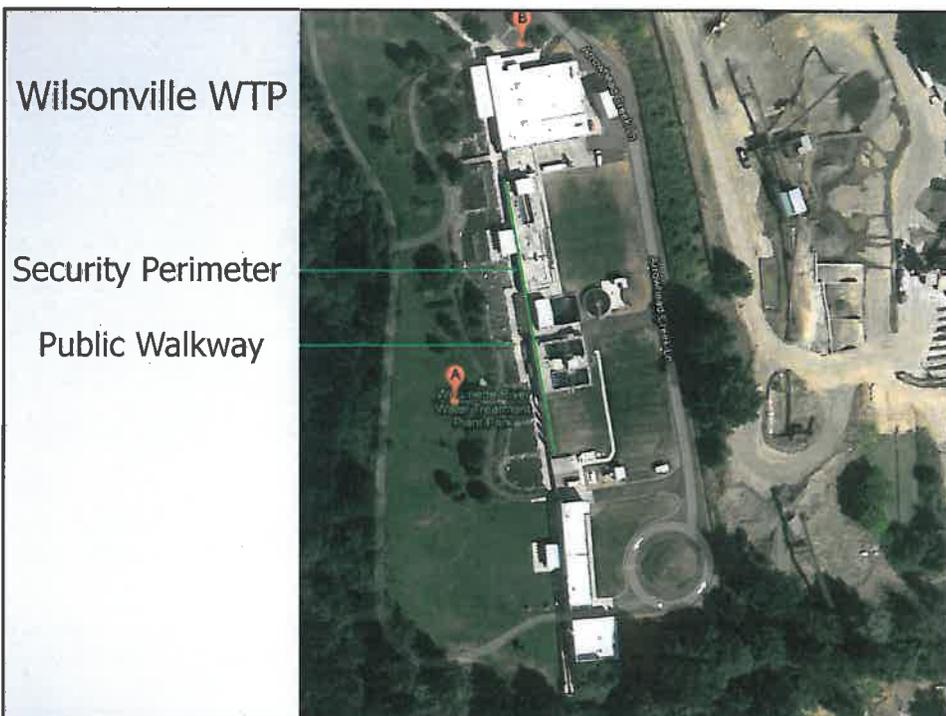
PLANNING PROGRESS

- PREPARED CONTRACT DOCUMENTATION
- INCREASED BUFFER SPACE ON ALL SIDES
- PLANTING BEGINS IN FRONT AND CIRCULAR ROADS
- NUMBER OF TREES TO BE PLANTED BEING REVIEWED WITH PROPERTY OWNER. TREE LINES TO BE PLANTED ON SOUTHWEST AND SOUTHEAST CORNERS
- ALL PLANTING TO BE COMPLETED BY THE END OF 2012

9



Vicinity Current Trail Alignments



Wilsonville WTP

Security Perimeter

Public Walkway

Pelz, Zach

From: RNA Great Neighbor Committee [rnagnc@gmail.com]
Sent: Wednesday, April 25, 2012 10:12 AM
To: Pelz, Zach
Subject: More 12-02 LOTWP GNP Markup
Attachments: LO GNP2.pdf; LO GNP5.pdf; LO GNP6.pdf; LO GNP4.pdf; LO GNP3.pdf

Sorry about the mess.

RNA Great Neighbor Committee

RNAGNC@gmail.com

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

Summary of Comments on LO GNP2 (2).pdf

Page: 1

 Number: 1 Author: syst admin i7 Date: 2/1/2012 4:35:30 PM -08'00'

 Number: 2 Author: syst admin i7 Date: 2/1/2012 4:33:36 PM -08'00'

This is essentially **not true**. The LOTWP has unilaterally incorporated **some** of the RNA GNC mitigations, without **any** substantial discussion or **consultation**.

 Number: 3 Author: syst admin i7 Date: 2/1/2012 4:35:56 PM -08'00'

Again, **this is** LOTWP's document and their edit of mitigations, without **any** consultation with RNA GNP regarding what is included or how mitigations **are** re-stated.

 Number: 4 Author: syst admin i7 Date: 2/1/2012 4:35:48 PM -08'00'

 Number: 5 Author: syst admin i7 Date: 2/1/2012 4:37:57 PM -08'00'

 Number: 6 Author: syst admin i7 Date: 2/1/2012 4:38:02 PM -08'00'

This is **not true**.

Water may be sourced from NCCWC, which has an inter-tie with South Fork.

Lake Oswego Water Treatment Plant: Good Neighbor Plan

Purpose



¹ Lake Oswego Tigard Water Partnership (Partnership) and Robinwood Neighborhood Association (RNA) have collaborated to develop a *Good Neighbor Plan (Plan)* that will guide facility and site design, construction, and operation for the Partnership's drinking water treatment plant in West Linn. The Plan reflects a good faith effort and commitment by both parties 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.



⁴ The Plan reflects a current understanding of future conditions and plans. As circumstances change, the Partnership and the RNA fully expect to update the Plan and make any changes needed to achieve the parties' shared goals.

Introduction

The City of Lake Oswego has operated a drinking water treatment plant in West Linn's Robinwood neighborhood since 1968. The site is zoned R-10 (residential). West Linn defines WTP use as "Utility, major", allowed in R-10 as a conditional use. In 1996, West Linn approved a conditional use and design review for WTP expansion, with 19 conditions of approval. Lake Oswego is in compliance with all 1996 approval conditions. Operating at its present location for over forty years, the plant has generally earned a reputation for being a good neighbor.

Now, the Partnership plans to upgrade and expand the treatment plant to meet Lake Oswego's and Tigard's current and future drinking water needs. ⁵ The upgraded plant will supply both communities



⁶ and will also continue to serve as West Linn's only source of emergency and backup drinking water supply. As the treatment plant expands, further steps must be taken to ensure the facility remains compatible with its neighbors and quiet setting.

The Partnership is committed to keeping water treatment plant neighbors informed and involved throughout the water treatment plant improvements. The project team has worked with plant neighbors, RNA, and the City of West Linn to develop the Plan.

The Plan ensures neighbors' interests are considered through the life of the project and beyond. The Plan includes guidelines for every phase: design, construction, ongoing operations, and communications.

The Planning Process

The Plan was developed over a twenty-month period (April 2010 to December 2011). The process included:

- Presentations and discussion at regular monthly meetings of the RNA
 - ✓ *Monthly between April 2010 – January 2012*
 - ✓ *April 16, 2011 Lake Oswego and Tigard Mayors meeting with Robinwood neighbors*
- Open houses and tours at the treatment plant
 - ✓ *June 24, 2010 Water Treatment process recommendation Open House*
 - ✓ *July 24, 2010 Water Treatment Plant Open House*
- Three planning workshops
 - ✓ *August 4, 2010 Maple Grove Plat property owners*
 - ✓ *October 27, 2010 First Good Neighbor Plan meeting*
 - ✓ *December 1, 2010 Second Good Neighbor Plan meeting*

Summary of Comments on LO GNP5 (2).pdf

Page: 1

T Number: 1 Author: syst admin i7 Date: 4/18/2012 12:03:35 PM

T Number: 2 Author: syst admin i7 Date: 4/18/2012 12:03:38 PM

T Number: 3 Author: syst admin i7 Date: 4/18/2012 12:03:29 PM

E Number: 4 Author: syst admin i7 Date: 2/1/2012 4:44:15 PM -08'00'
With an almost 10 acre site, there is no reason for any equipment or materials to be loaded off the site.

T Number: 5 Author: syst admin i7 Date: 4/18/2012 12:04:57 PM

T Number: 6 Author: syst admin i7 Date: 4/18/2012 12:03:48 PM

T Number: 7 Author: syst admin i7 Date: 4/18/2012 12:03:23 PM

T Number: 8 Author: syst admin i7 Date: 4/18/2012 12:04:08 PM

T Number: 9 Author: syst admin i7 Date: 4/18/2012 12:00:18 PM

T Number: 10 Author: syst admin i7 Date: 4/18/2012 12:04:35 PM

T Number: 11 Author: syst admin i7 Date: 4/18/2012 12:04:16 PM

T Number: 12 Author: syst admin i7 Date: 4/18/2012 12:05:54 PM

E Number: 13 Author: syst admin i7 Date: 2/1/2012 4:45:15 PM -08'00'
Staff said that this was required as part of the application at the Pre-app meeting.

T Number: 14 Author: syst admin i7 Date: 4/18/2012 12:04:21 PM

T Number: 15 Author: syst admin i7 Date: 4/18/2012 12:04:26 PM

T Number: 16 Author: syst admin i7 Date: 4/18/2012 12:05:48 PM

E Number: 17 Author: syst admin i7 Date: 2/1/2012 4:46:06 PM -08'00'
Mitigation Plan asks for full street overlay required for Mapleton, and any other streets impacted by heavy construction traffic. CUP requires half street improvement, not restoration to current condition.

T Number: 18 Author: syst admin i7 Date: 4/18/2012 12:05:12 PM

T Number: 19 Author: syst admin i7 Date: 4/18/2012 12:05:21 PM

T Number: 20 Author: syst admin i7 Date: 4/18/2012 12:05:26 PM

T Number: 21 Author: syst admin i7 Date: 4/18/2012 12:05:34 PM

T Number: 22 Author: syst admin i7 Date: 4/18/2012 12:06:48 PM

- ¹As much as practicable, locate noise producing activities/equipment in central part of site, away from neighbors.
- ²All noise generating activities will conform to COWL, Oregon Department of Environmental Quality, and Occupational Safety and Health (OSHA) requirements. Noisy portable equipment, such as generators or compressors will be located as far from residential receptors as practicable. Perimeter, noise dampening fencing will be used to limit noise impacts where needed.
- ³Maintain vehicular, bicycle, pedestrian and emergency vehicle access to area homes throughout construction.
- ⁴Every effort will be made to load and unload equipment and materials on the Water Treatment Plant property during plant construction. ⁵In the event that materials need to be unloaded on residential streets, flaggers will be used to ensure that the safety of the travelling public is the highest priority.
- ⁷Ensure safe pedestrian, bicycle and vehicular school commute during the construction period.
- ⁸Provide off-street / off-site parking for construction workers during construction. Some on-site parking for construction supervisor, inspector and project management staff will be provided.
- ⁹Use visible ID badges or other methods to identify construction workers.
- ¹⁰Maintain pavement condition on Mapleton Drive and Kenthorpe Way, during and after construction.
- ¹¹Require reduced speed limit for construction vehicles when traveling through residential neighborhoods if allowed by COWL standards.

The City of Lake Oswego will also:

- ¹²After a construction contractor is hired, identify all construction material staging areas, temporary offices and trailers and equipment and commuter parking areas, on and off the plant site for the RNA.
- ¹⁴Provide 24/7 construction hotline telephone number that provides access to report problems.
- ¹⁵Coordinate with the City of West Linn on construction of West Linn infrastructure projects during water project work to see if there are opportunities for West Linn to save money.
- ¹⁶Lake Oswego will repair or rebuild, if required, all streets that are damaged by Water Partnership projects to as good or better condition as prior to construction and according to COWL standards.
- ¹⁸Use informational signage and lights at Mapleton and Hwy 43 and Nixon intersections to indicate closures and other road conditions.
- ¹⁹Any street reconstruction or paving will meet COWL engineering standards for grading to meet surface water flows. The City of West Linn Engineering Department will review all plans for consistency with its requirements. If, at the time of paving, COWL would like to install additional surface water improvements, Lake Oswego will coordinate with them.
- ²⁰Maintain landscape where visible to neighbors to a level appropriate to the location and type of landscaping.
- ²¹Report to Robinwood Neighborhood Association on construction activities as needed.

Ongoing Operations

Once construction is complete, the Partnership will continue to operate the treatment plant with a high level of sensitivity to its neighbors. The neighborhood and Partnership agree the following neighborhood requests will be incorporated into the plant's standards of operation.

- ²²Minimize off-site treatment plant noise and odors.

Summary of Comments on LO GNP6 (2).pdf

Page: 1

T Number: 1 Author: syst admin i7 Date: 4/18/2012 12:00:49 PM

T Number: 2 Author: syst admin i7 Date: 2/20/2012 3:51:40 PM -08'00'
GNC mitigation plan calls for immediate direct notification via method decided by immediate neighbors. (Audible Alarm or Reverse 911?)

T Number: 3 Author: syst admin i7 Date: 4/18/2012 12:01:21 PM

T Number: 4 Author: syst admin i7 Date: 4/18/2012 12:07:10 PM

T Number: 5 Author: syst admin i7 Date: 4/19/2012 11:34:59 PM

- **1** Allow controlled use of the Treatment Plant's future emergency access road by Kenthorpe Way neighbors in the event of an emergency that would block access for residents of this dead-end street.

Communications

Communications among the RNA, treatment plant neighbors and the Partnership team will occur throughout the plant upgrade and expansion project as well as after upgrades are completed. After the new treatment plant is on-line, plant staff will periodically communicate with neighbors and the RNA.

Lake Oswego's water treatment plant has an emergency response plan in place, and procedures are closely coordinated with the local emergency responders: Tualatin Valley Fire & Rescue and West Linn Police Department. Tualatin Valley Fire & Rescue inspects the plant facilities at least annually. **3** In event of an emergency, communications with plant neighbors would be initiated by the noted emergency responders.



Full information on drinking water treatment chemicals used on-site is maintained at the treatment plant. Plant staff are available to answer neighbors' questions about these chemicals. The plant's drinking water disinfection process was converted years ago to use a sodium hypochlorite (bleach) solution. There is no use or storage of chlorine gas on-site.

The following communication strategies will be implemented by the WTP staff.

- Treatment plant staff continue to provide information and answer neighbors' questions about chemicals used and stored on-site, and transported through the neighborhood.
- **4** Hazard analysis and hazard response plan for all chemicals at the plant to be shared with West Linn residents.
- **5** Continued use of Tualatin Valley Fire and Rescue reverse 911 alert system.
- Update neighbors and the Robinwood Neighborhood Association on any changes in process chemicals or emergency procedures affecting neighbors.
- Hold an open house/tour at the treatment plant once or twice per year.
- Keep neighbors informed about the pertinent plant activities through community meetings, website and email updates, mailings and presentations at RNA meetings.

Learn More

For more information about the Lake Oswego Water Partnership or the Good Neighbor Plan for the Partnership's water treatment plant contact:

Jane Heisler, Communications
Director
City of Lake Oswego
503-697-6573 /
jheisler@ci.oswego.or.us

For information about the water treatment plant:
Kari Duncan, Water Treatment Plant
Manager
City of Lake Oswego
503-635-0393 /
kduncan@ci.oswego.or.us



A water treatment plant open house held in August 2010 was well attended by neighbors.

Summary of Comments on LO GNP4 (2).pdf

Page: 1

-
- T** Number: 1 Author: syst admin i7 Date: 4/18/2012 11:59:06 AM
-
- T** Number: 2 Author: syst admin i7 Date: 4/18/2012 11:58:12 AM
-
- T** Number: 3 Author: syst admin i7 Date: 4/18/2012 11:58:17 AM
-
- T** Number: 4 Author: syst admin i7 Date: 4/18/2012 11:58:22 AM
-
- T** Number: 5 Author: syst admin i7 Date: 4/18/2012 11:58:28 AM
-
- T** Number: 6 Author: syst admin i7 Date: 4/18/2012 11:58:33 AM
-
- T** Number: 7 Author: syst admin i7 Date: 2/1/2012 4:40:43 PM -08'00'
Minimum of 2 pedestrian paths per the WL Comprehensive Plan Goal 12 Pedestrian Policies.
-
- T** Number: 8 Author: syst admin i7 Date: 2/20/2012 3:55:17 PM -08'00'
-
- T** Number: 9 Author: syst admin i7 Date: 4/18/2012 11:54:30 AM
-
- T** Number: 10 Author: syst admin i7 Date: 4/18/2012 11:54:36 AM
-
- T** Number: 11 Author: syst admin i7 Date: 4/18/2012 11:59:39 AM
-
- T** Number: 12 Author: syst admin i7 Date: 4/20/2012 3:22:29 PM
RNA GNC WTP-Constr 6
-
- T** Number: 13 Author: syst admin i7 Date: 2/20/2012 3:55:06 PM -08'00'
-
- T** Number: 14 Author: syst admin i7 Date: 4/18/2012 11:59:44 AM
-
- T** Number: 15 Author: syst admin i7 Date: 2/20/2012 3:55:26 PM -08'00'
GNC plan calls for specific time limits and notification time limits for access, to be negotiated based upon best practices.
-
- T** Number: 16 Author: syst admin i7 Date: 4/20/2012 3:22:42 PM
-
- T** Number: 17 Author: syst admin i7 Date: 4/20/2012 3:26:20 PM
RNA GNC WTP-Constr 3
-
- T** Number: 18 Author: syst admin i7 Date: 4/18/2012 12:03:03 PM
-
- T** Number: 19 Author: syst admin i7 Date: 2/1/2012 4:41:59 PM -08'00'
Not from the GNC. This is in no way equivalent to having an independent compliance monitor.
-
- T** Number: 20 Author: syst admin i7 Date: 4/18/2012 11:59:57 AM
-
- T** Number: 21 Author: syst admin i7 Date: 4/18/2012 12:03:07 PM
-
- T** Number: 22 Author: syst admin i7 Date: 4/20/2012 3:27:09 PM
RNA GNC WTP-Constr 3

Facilities

- ¹Locate taller process facilities in the central area of the site, away from homes, rather than near property setbacks and adjacent to homes.
- ²Design buildings visible from the neighborhood to have residential scale and appearance.
- ³Locate new clearwell, pump house and electrical building so that minimum setbacks between the new facilities and homes are exceeded.
- ⁴Design facilities to minimize off-site treatment plant noise and odors. Measure baseline noise level around the existing plant.
- ⁵Use low level lighting for water treatment plant facilities; prevent off-site glare and light trespass.
- ⁶Install fence with non-industrial appearance, designed to fit the neighborhood setting yet provide adequate security.



Residential scale and design features will make the treatment plant better fit the neighborhood setting.

Access



- ⁸ ⁹Build a pedestrian path – buffered from adjacent property owners – that connects Mapleton Drive with Kenthorpe Way and meets West Linn development code standards.
- ¹⁰Install a half street improvement along the Water Treatment Plant frontage (Kenthorpe and Mapleton) frontage with "Green Street" treatment.
- ¹¹Locate fence line to provide public access to a portion of the Mapleton Drive parcels.



- ¹³Every effort will be made to maintain vehicle access to driveways during construction and minimize any road closures. ¹⁴Periodically, it may be necessary to close a road or to provide a detour. When this occurs, advance warning will occur and signage or flaggers will guide drivers through detour routes. Access to homes for emergency vehicles will always be maintained.



Construction

Construction of the upgraded and expanded treatment plant is expected to take approximately twenty eight months. Mitigating the impacts of construction on treatment plant neighbors is a top concern of neighbors and a top priority for the Partnership in protecting neighborhood livability.

The contractor will be required to meet noise, erosion, emissions, dust, traffic and parking, work hours, site security and safety standards. The following construction mitigation measures identified by neighbors and Partnership will also be required of the contractor:



- ¹⁸Shut off idling equipment when not in use. Schedule noisier construction operations to limit their duration. Give advance notice to neighbors when noisy work will occur outside these times.



- ²⁰Regular "Coffee with the Construction Manager" will be provided throughout construction as long as there is interest on the part of neighbors and others.



- ²¹All off road construction equipment operating on site will use ultra low sulfur diesel, be in good working order and will comply with current emissions standards as applicable to new and used off-road diesel equipment and fuel.

Summary of Comments on LO GNP3 (2).pdf

Page: 1

 Number: 1 Author: syst admin i7 Date: 4/18/2012 11:57:01 AM

 Number: 2 Author: syst admin i7 Date: 4/18/2012 11:57:07 AM

 Number: 3 Author: syst admin i7 Date: 4/18/2012 11:57:16 AM

 Number: 4 Author: syst admin i7 Date: 4/18/2012 11:57:34 AM

 Number: 5 Author: syst admin i7 Date: 4/19/2012 11:30:58 PM

 Number: 6 Author: syst admin i7 Date: 4/18/2012 12:02:41 PM

Water Treatment Plant Design

The Water Treatment Plant will be upgraded and the capacity increased from 16 to 38 mgd (million gallons per day) utilizing Lake Oswego's maximum water rights from the Clackamas River.

The recommended plan is to reconfigure the plant and convert the treatment process from direct filtration to conventional treatment plus ozone. Other modifications include a new, larger clearwell (underground reservoir) and treated water pump station, mechanical process to handle solids, upgrades to chemical feed systems, miscellaneous improvements to existing buildings, a pathway and site re-landscaping.

The following recommendations supported by neighbors and the Partnership will be used by the water treatment plant design team to help create a facility that blends in with the neighborhood.

Landscape/Site Design

- 1 Provide setbacks compatible with those for nearby neighborhood homes that meet West Linn zoning standards.
- 2 Buffer the facilities from adjacent properties using appropriate manufactured or natural systems where suitable and possible.
- 3 Mitigate lost tree canopy on site by removing invasive species and planting native trees and plants per the COWL Code requirements. For needed off-site mitigation, pay into the West Linn "Canopy Replacement Fund" so that that West Linn may determine the best location for replanting. 4 Neighbors have expressed a desire for additional Trillium Creek mitigation within the neighborhood.
- 5 Consider "green" features for the treatment plant:
 - Native vegetation to conserve water
 - Energy conserving pumps, lighting and electrical equipment
 - Solar collectors for renewable power generation
- 6 Landscaping, fencing and walkways should be designed to fit the residential setting.



Landscaping will enhance the residential look and feel of the facility.

Pelz, Zach

From: RNA Great Neighbor Committee [rnagnc@gmail.com]
Sent: Wednesday, April 25, 2012 9:46 AM
To: Pelz, Zach
Subject: CUP 12-02 4/18 testimony for record
Attachments: Kevin Bryck PC Testimony CUP 12-02 .pdf

4/18 testimony.

RNA Great Neighbor Committee

RNAGNC@gmail.com

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

Kevin Bryck PC Testimony CUP 12-02 4/18/12

The Robinwood Neighborhood Association Great Neighbor Committee (RNA GNC) is a special committee, formed per the RNA bylaws, in May 2011.

The GNC was formed to create and carry forward a mitigation plan to ameliorate the burden of the proposed Lake Oswego-Tigard Water Partnership (LOTWP) project in Robinwood.

LOTWP held their first meeting in Robinwood in October 2010. By Spring 2011, after 6 months of meetings with LOTWP reps, the atmosphere at RNA meetings had become acrimonious.

A March 2011 draft of the LOTWP 'Good Neighbor Plan' completely ignored or glossed over numerous neighborhood concerns, like liability insurance and the intensity of construction.

There was a general perception that our time was being wasted, meetings without evidence of progress, as if someone were simply keeping score.

Many felt this was the intent, the goal, to divide and discourage the RNA.

A special committee was proposed, to take the discussion off-line, in hopes of improving the process.

The GNC met, drafted rules, a mission statement and a work plan. We began collecting mitigation ideas and publishing them on a public web blog. Every month we returned to RNA to report and to have our progress endorsed.

We perceived the lack of a level playing field - 10 community volunteers against the partnerships' considerable resources.

We asked the city planning department for advice and were rebuffed. Apparently it is not legal for our planning staff to assist our own citizens, to protect our neighborhoods because the applicant might take exception. We were dumbfounded.

We asked the City Council to fund an independent planning advisor to assist us, and in July the council agreed and so advised the City Manager.

The City spun into action and contract was proffered 90 days later, in October.

With that assistance, the GNC drafted mitigation goals and mitigation selection criteria that were adopted by the RNA and those documents informed a RNA mitigation charette.

In December 2011, the RNA adopted a 28 point mitigation plan for both the treatment plant and pipeline projects and forwarded this plan to the applicants.

The GNC subsequently met with 2 members of the LOTWP staff, where we got yes/no responses to the items on our adopted mitigation plan.

Naively, we anticipated that WL government would step forward and mediate serious discussions between the neighborhood and the applicants.

On January 9, 2012 I spoke at an LOTWP Oversight Committee (OSC) meeting regarding our concerns and desire to meet and discuss our mitigation plan.

On February 11th, the GNC sent a letter to the voting members of the LOTWP OSC, again requesting a meeting.

The LOT response was a letter mailed to RNA President Tony Bracco on February 17th.

Over a month passed.

Finally, State Rep Julie Parrish was gracious enough to invite the mayors of LO and Tigard to meet with 4 GNC members for dinner at her home on March 22nd.

The GNC members came away with the impression that both mayors were poorly informed regarding the content and intent of the RNA mitigation plan.

Finally, the first and only GNC meeting with LOTWP OSC occurred last Thursday, April 12th at 6pm at the WEB in LO.

We think that speaks volumes about how serious LOT was about working with the Robinwood neighborhood to craft a respectful, serious plan for mitigation and community benefit.

The only concrete proposal from LOT that evening was to let this process play out.

So here we are:

A WL Planning recommendation for a pretense of public process.

LOT staff cherry picking the easy and the cheap.

Selling code requirements and prevalent construction industry practices as benefits.

Drafting their own 'Great Neighbor Plan' and then claiming it was collaborative, as if repeating it tens of times in the application narrative makes it true.

Of the 28 items in the RNA GNC plan, the LOT 'Great Neighbor Plan' plan includes only 6 items in full, 3 in part and ignores 12. 5 are required.

Code Requirements are not Community Benefits as called for in the Comp Plan.

If Development Code requirements apply to all outright allowed uses, how can they be mitigations or community benefits for for a more intensive use?

Mitigations are not benefits.

They do not make 3 years of heavy industrial construction and an industrial processing plant in our neighborhood disappear, they only make it less intrusive, more tolerable.

Community Benefits need to be proportional to the burden.

The only proffered benefit is not proportional, it's laughable.

The water inter-tie already exists.

The water inter-tie was previously used as a community benefit for a CUP in '96.

The water flows both ways, so how is it even a one-way benefit?

Lack of a generator at the new plant and at the inter-tie to run the pumps likely renders the inter-tie ineffective in a real regional emergency severe enough cut the South Fork supply across the 205 bridge. There is no capacity to pump water without bringing in portable generators the size of a semi trailer.

And that new 6mgd of treatment capacity goes away as soon as LOT finds another market at home, in Stafford or Beaverton. It is not dedicated to West Linn for the life of the plant.

The RNA GNC recommends that the PC deny this application, so that the applicants can return to their own cities, to make the case to own voters and rate-payers that they have done their due-diligence, and tried their best to give West Linn and Robinwood nothing beyond the minimum code requirements.

Then we can begin a serious discussion about mitigation and community benefits instead of merely tacking a few hastily drafted Conditions of Approval onto a flawed process for the sake of appeasement.

Just for perspective when considering the cost for mitigations and community benefits:

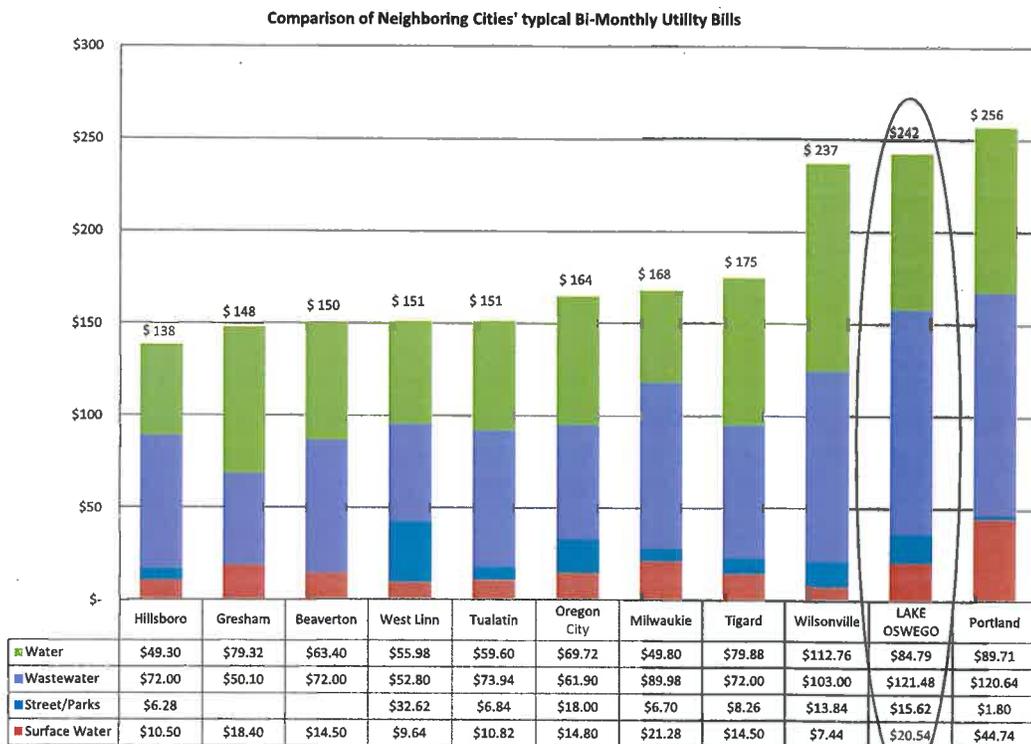
If LOTWP spent an additional \$1million for mitigation and community benefits
 Bond costs equate to less than a dollar a year for each LOT citizen,
 not including their industrial and commercial water users.

6 cents per person per month, 12 cents on a bimonthly bill.
 LO's typical bimonthly utility bill = \$240, with \$85 for water
 Tigard's typical bimonthly utility bill = \$175, with \$80 for water

Both slated for large increased over next few years.

From the current LO Master Fee Schedule:

Comparison of Neighboring Cities' Typical Bi-Monthly Utility Bills



Based on an October 2011 survey of typical single-family homes in other Portland metropolitan area cities

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, April 25, 2012 8:24 AM
To: Pelz, Zach
Subject: FW: Intertie use

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: Bob Martin [mailto:drbobm4@gmail.com]
Sent: Tuesday, April 24, 2012 6:07 PM
To: Sonnen, John
Subject: Intertie use

John,

There was a question concerning intertie use that was answered using a few years data. I believe that if we go further back, water went from WL to LO 5 times, but from LO to WL 2 times. I am not sure if this matters, but I remember reading it in one of the links I referenced

Bob
Sent from my iPad

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, April 25, 2012 8:23 AM
To: Pelz, Zach
Subject: FW: Stafford & Tualatin Loop

Please add this to the record

John Sonnen, Planning Director
Planning and Building, #1524

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From: Javoronok, Sara
Sent: Tuesday, April 24, 2012 4:58 PM
To: Sonnen, John
Cc: Pelz, Zach
Subject: Stafford & Tualatin Loop

Here's info on references in the Comp. Plan and Imagine West Linn to the Stafford area (and Tualatin Loop).

Sara

Comp. Plan

The adopted 2003 Comp. Plan included the Council Goals adopted in February of 2003 (before Table of Contents). One of the goals was to oppose urbanization of the Stafford Triangle. The Plan itself was adopted in September of 2003. <http://westlinnoregon.gov/sites/default/files/fileattachments/WEB%20Version%20revised%20April%202009%20with%20maps.pdf>

Imagine West Linn

Both the 2008 and 1994 Imagine West Linn documents include references to the Stafford or Tualatin Loop areas. Basically, they say that the UGB will expand to one or both of these if low density development continues, but that if there is higher density development, there won't be expansions into these areas.

1994 – pages 6-7, 8 of the PDF, http://westlinnoregon.gov/sites/default/files/projects/1994-02-01_Imagine_West_Linn.pdf

2008 – pages 11 and 13 http://westlinnoregon.gov/sites/default/files/projects/ImagineWL_FINAL_appd_9-8-08.pdf

Sara Javoronok, Associate Planner
Planning and Building, #1512

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Pelz, Zach

From: Vicky and Pat [patvicsmith@q.com]
Sent: Wednesday, April 25, 2012 6:31 AM
To: Sonnen, John; Pelz, Zach
Subject: Fwd: Safety and Security Question regarding CUP12-02 LO Water treatment plant

John Sonnen:

It appears Chris is out of the office until April 30th. I would assume emails sent to him regarding CUP 12-02 were forwarded to either Zach or you, but since I have received no response from either of you, I am sending this again in the hopes our neighborhood gets some answers to these questions that have been raised verbally and in emails for sometime by several people.

Can you please confirm you have received this and if at all possible provide answers today.

Also can you please confirm how Questions ASKED during public testimony at planning commission hearings are answered?

Thank you for your time.

From: "Vicky and Pat" <patvicsmith@q.com>
To: "Chris Kerr" <ckerr@westlinnoregon.gov>, "John Kovash" <jkovash@westlinnoregon.gov>
Cc: "Kevin Bryck" <kevinbryck@comcast.net>, "Vroman Shanon" <shanonmv@comcast.net>, "rebecca walters" <rebecca_walters@adp.com>, "Ken Hanawa" <kenhanawa@yahoo.com>, "Natalie Cooper" <n.nahey.4.coopers@comcast.net>, "Tom & Gwen Sieben (gwensieben@att.net)" <gwensieben@att.net>, "Jones Eric" <ericjones2009@aol.com>, "King Lamont" <lamontking@comcast.net>
Sent: Sunday, April 22, 2012 5:20:09 PM
Subject: Safety and Security Question regarding CUP12-02 LO Water treatment plant

To Chris Kerr and Mayor Kovash -

It was brought out in public testimony [last Wednesday](#) night and we believe the City of West Linn needs to clarify for the West Linn Planning Commission and the citizens of West Linn, several questions about the potential expanded plant as it relates to **Safety and Security**.

We fully understand that West Linn may not have access to all the detailed Safety and Security Management plans as they relate to protecting this facility, however you should be aware of the basics and how the proposed expansion may change its "classification" or importance as a regional water provider and consequentially how this plant needs to be "secured" in the future. Lake Oswego is more than doubling the capacity, increasing storage and more than doubling the population that will be dependent on this water.

1. Has the applicant and the City of West Linn reviewed the proposed expansion with the Department of Homeland Security or its "Information Analysis and Infrastructure Protection division" to understand what will be required and how this differs from what is currently in place.
2. If not, how can the application be deemed complete when so many of the proposed features and site layout could fundamentally change?
3. In the event that additional security features be required by a STATE or FEDERAL AGENCY, such as full perimeter fencing, higher security fencing and high intensity lighting, would the City have any authority to re-open the Conditional Use Permit or hold the applicant to what is being shown in CUP-12-02?

These are basic questions that need answers before the Planning Commission votes on this application.

Please do not ask us to ask the applicant, you have a responsibility to understand and evaluate this relative to the Land use issue before you.

Thank you for your time, we look forward to your answers before Wednesday's next Planning Commission meeting.

Pelz, Zach

From: Sonnen, John
Sent: Tuesday, April 24, 2012 4:07 PM
To: Thomas A. Frank; Babbitt, Michael; Steel, Christine; Holmes, Gail; Bob Martin; Miller, Holly; Russell Axelrod
Cc: Pelz, Zach; Pam Beery
Subject: FW: questions re the LO water treatment plant?

Responses to Thomas's questions regarding the LO water plant are as follows:

From: Thomas A. Frank [<mailto:mail@thomasafrank.com>]
Sent: Monday, April 23, 2012 1:20 PM
To: Sonnen, John
Subject: Re: questions re the LO water treatment plant?

Hi John,

My Questions -

- When was the inter-tie approved and installed?

The emergency intertie was approved December 27, 2000 and constructed during the winter of 2001-2002

- Was the inter-tie part of a CUP permit?

The intertie was approved through the Class I Design Review process (DR-00-42)

- Page 30 of Applicants response states "Expanding the WTP capacity from 16 mgd to 38 mgd, as proposed, will increase the availability of backup or emergency water supply..." We are not evaluating the this CUP based upon another possible application to water pipes, correct?

The application before you proposes an expansion of the water treatment capacity of the existing water treatment plant at 4260 Kenthorpe Way. Although we are aware the Applicant anticipates another Conditional Use Proposal to install larger diameter pipes that would serve an expanded water treatment plant, those larger diameter pipes (except for the larger diameter pipes on the site of the water treatment plant) are not part of this application.

- Has there ever been a time that the current inter-tie failed when either party needed it?

Our institutional knowledge on this subject dates back to 1998 and in that time emergency water supply has always been available. We have not had a supply emergency during peak season (late June through early September) since 1998.

Thanks,

-Thomas

On Apr 23, 2012, at 9:53 AM, Sonnen, John wrote:

Responses to questions raised by Christine

<[image9d1ee4.gif@5dfeed2f.c7694173](mailto:SONNEN@westlinnoregon.gov)>
John Sonnen
[JSONNEN@westlinnoregon.gov](mailto:SONNEN@westlinnoregon.gov)
Planning and Building Director
22500 Salamo Rd.
West Linn, OR 97068
P: (503) 723-2524
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Pelz, Zach
Sent: Monday, April 23, 2012 9:46 AM
To: Sonnen, John
Cc: Kerr, Chris; Whynot, Jimmy; Sonnen, John
Subject: RE: questions re the LO water treatment plant?

John,

Here are responses to Commissioner Steel's inquiry (Jim Whynot, West Linn Water Supervisor, provided responses to questions 2-4):

1. Under the current zoning, how many houses could be built on the water plant property if the water plant was not there?
Approximately 23 single-family homes could be built on the site of the proposed Lake Oswego Water Treatment Plant.
2. How many times over the past five years has Lake Oswego supplied water to West Linn on an emergency basis?
Lake Oswego has supplied water to West Linn twice in the past 5 years; June 2007, 24-inch transmission line failure and December 2011, river intake failure. The pump station (pumping water to West Linn) is exercised on a weekly basis.
3. How many times over the past five years has West Linn supplied water to Lake Oswego on an emergency basis?
West Linn has supplied water to Lake Oswego once in the past 5 years; river intake issues.
4. What would happen to the intertie and the current IGA if the water plant was not located in West Linn?

If the Lake Oswego Water Treatment Plant was not located in West Linn, West Linn would not have an emergency intertie or IGA. The current emergency intertie pump station would have no purpose and would likely need to be abandoned.

Zach

Zach Pelz, Associate Planner
Planning and Building, #1542

From: Steel, Christine [<mailto:Christine.Steel@portofportland.com>]
Sent: Friday, April 20, 2012 4:38 PM
To: Sonnen, John
Subject: RE: questions re the LO water treatment plant?

Hi John –

I have a couple of questions:

1. Under the current zoning, how many houses could be built on the water plant property if the water plant was not there?
2. How many times over the past five years has Lake Oswego supplied water to West Linn on an emergency basis?
3. How many times over the past five years has West Linn supplied water to Lake Oswego on an emergency basis?
4. What would happen to the intertie and the current IGA if the water plant was not located in West Linn?

Thanks much,
Christine

Zach Pelz, Associate Planner
Planning and Building, #1542

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From: Sonnen, John [<mailto:JSONNEN@westlinnoregon.gov>]
Sent: Friday, April 20, 2012 1:37 PM
To: Babbitt, Michael; Holmes, Gail; Bob Martin; Russell Axelrod; Thomas A. Frank; Miller, Holly; Steel, Christine
Subject: questions re the LO water treatment plant?

Hi,

I hope you have recovered from the late night hearing. If you have questions for staff regarding the Lake Oswego water treat plant project, it would be helpful if you would send them to me so we are prepared to respond at the hearing.

Thanks

John

John Sonnen
JSONNEN@westlinnoregon.gov

Planning and Building Director
22500 Salamo Rd.
West Linn, OR 97068
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John Sonnen, Planning Director
Planning and Building, #1524

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Pelz, Zach

From: ericjones2009@aol.com
Sent: Monday, April 23, 2012 9:18 PM
To: Pelz, Zach; Kerr, Chris; Ericjones2009@aol.com
Subject: Additional Testimony for 4/25 PC Meeting CUP-12-02/DR-12-04

To the West Linn Planning Commission:

This testimony builds on our verbal and written testimonies from the April 18, 2012, public hearing on **CUP-12-02/DR-12-04**.

Relating to the Lake Oswego water treatment plant's safety at the April 18 meeting, Project Manager Joel Komerak stated that the expanded structures would be designed and built to the design earthquake code for the area. This is a misleading statement.

The Class F soils located below the plant do not have a corresponding code response, as noted in the draft Geotech report, section 3.3, page 8. The Class F soils are the most susceptible to liquefaction during large earthquakes. Please note that by using the *lower* Class E code, the site facilities may not be able to adequately withstand a large subduction zone quake - with sustained ground shaking for minutes, not seconds. Please specifically review the Executive Summary of the report and Section 3 for the scope of the challenges this site presents as it is located in a residential area with a primary school less than 1000 feet away from its perimeter. Besides failing a common sense test, this application fails to meet the CDC 60.070, A-1 (b), which states that there must be adequate area to mitigate *any* possible adverse effects from the use on surrounding properties and uses. Given the proximity to homes and the school, a large scale industrial plant built on the worst possible soils with six faults located within 15 miles of the site and with a subduction zone quake looming cannot be justified or adequately mitigated. The application should be denied.

We also wish to renew our objection to the fact the applicant has only submitted a *draft* Geotech report with its application. The seriousness of the soil conditions and potentially hazardous materials being used onsite which could cause a dangerous situation in a large disaster (i.e. an ozone fire or torment of water) should require a full and final report, not just a draft. Recall that the applicant's plan is to call the fire department following a disaster. What happens if they cannot make it to the site in a timely manner? Or, what if plant officials cannot make contact with emergency responders in the first place?

Thank you for the opportunity to provide additional testimony for your consideration. Feel free to contact me at this email address if you have any questions or desire additional information.

Eric and Jeane Jones
4310 Mapleton Drive
West Linn, OR 97068

Zach or Chris -

Please confirm receipt of this testimony and that it will be included in the official record. Thank you.

Sonnen, John

From: Sonnen, John
Sent: Monday, April 23, 2012 1:02 PM
To: 'Holly Miller'; 'Michael Babbitt'; Holmes, Gail; 'Bob Martin'; Steel, Christine; 'Thomas A. Frank'; 'Russell Axelrod'
Cc: Pam Beery; Pelz, Zach
Subject: FW: questions re the LO water treatment plant?

Hi, the following are responses to questions raised by Holly.

John

From: Pelz, Zach
Sent: Monday, April 23, 2012 11:48 AM
To: Sonnen, John
Subject: RE: questions re the LO water treatment plant?

John,

Please find responses to Commissioner Miller's questions, below:

Zach

From: Holly Miller [<mailto:holly.millerc@gmail.com>]
Sent: Monday, April 23, 2012 10:24 AM
To: Sonnen, John
Subject: Re: FW: questions re the LO water treatment plant?

John,

Thank you for these answers.

Can you please clarify,

- 1) Is there a guarantee or absolute requirement that the treatment plant always be able to provide WL with emergency water? If I understand correctly the treatment plant is currently running near capacity and even with the expansion would be back at capacity in 2021. If the plant reaches capacity are we simply out of luck in the event of an emergency? Are we able to create a guarantee?

From IGA (p.40/77, Supplemental Public comments 4-18-2012): 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.

The IGA stipulates that the Party supplying water, "endeavor to supply the maximum feasible quantity...so long as it is not a detriment to the supplying Party's water system." Lake Oswego has stated that excess water capacity does not currently exist during peak usage periods (late July-August) to supply the intertie in an emergency.

Regarding the forecasted availability of water at the intertie in the event of an approved Water Treatment Plant expansion; the Applicant has stated that capacity is likely during peak periods through 2021 and outside of peak periods through approximately 2045. The Applicant points out that these dates are forecasts.

- 2) If this expansion does not occur, does West Linn have an alternate plan as to what else might be done to ensure emergency water?

The West Linn Water Master Plan identifies four options for emergency supply: A) Construction of a new 8.4 million gallon Bolton reservoir; B) Build a back-up supply from South Fork Water Board; C) Improve the emergency supply capacity and reliability of the Lake Oswego Emergency Supply Connection; and, D) Aquifer storage and recovery. The Water Master Plan recommends Solution Approach C, as it most economically meets the City's emergency supply and reliability needs.

- 3) Are we able to create a condition of approval that requires a generator remain onsite in the event of an emergency? (As opposed to transporting one in an event?) Is this even a reasonable condition?

The Applicant is proposing a back-up electrical supply from PGE. An on-site emergency generator would supply power for facility control, but would not power water treatment or pumping operations. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity (CDC 60.070(C)).

On Mon, Apr 23, 2012 at 9:53 AM, Sonnen, John <JSONNEN@westlinnoregon.gov> wrote:

Responses to questions raised by Christine

CITY OF
West Linn
John Sonnen
JSONNEN@westlinnoregon.gov
Planning and Building Director
22500 Salamo Rd.
West Linn, OR 97068
P: [\(503\) 723-2524](tel:5037232524)
F: [\(503\) 656-4106](tel:5036564106)
Web: westlinnoregon.gov

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Pelz, Zach

From: Sonnen, John
Sent: Monday, April 23, 2012 10:27 AM
To: Pelz, Zach
Subject: FW: FW: questions re the LO water treatment plant?
Attachments: image9d1ee4.gif@5dfeed2f.c7694173

John Sonnen, Planning Director
Planning and Building, #1524

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From: Holly Miller [mailto:holly.millerc@gmail.com]
Sent: Monday, April 23, 2012 10:24 AM
To: Sonnen, John
Subject: Re: FW: questions re the LO water treatment plant?

John,

Thank you for these answers.

Can you please clarify,

- 1) Is there a guarantee or absolute requirement that the treatment plant always be able to provide WL with emergency water? If I understand correctly the treatment plant is currently running near capacity and even with the expansion would be back at capacity in 2021. If the plant reaches capacity are we simply out of luck in the event of an emergency? Are we able to create a guarantee?
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Responses to questions raised by Christine

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From: Pelz, Zach
Sent: Monday, April 23, 2012 9:46 AM
To: Sonnen, John
Cc: Kerr, Chris; Whynot, Jimmy; Sonnen, John
Subject: RE: questions re the LO water treatment plant?

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Here are responses to Commissioner Steel's inquiry (Jim Whynot, West Linn Water Supervisor, provided responses to questions 2-4):

1. Under the current zoning, how many houses could be built on the water plant property if the water plant was not there?

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Zach

Zach Pelz, Associate Planner

Planning and Building, #1542

From: Steel, Christine [<mailto:Christine.Steel@portofportland.com>]

Sent: Friday, April 20, 2012 4:38 PM

To: Sonnen, John

Subject: RE: questions re the LO water treatment plant?

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Thanks much,

Christine

From: Sonnen, John [<mailto:JSONNEN@westlinnoregon.gov>]

Sent: Friday, April 20, 2012 1:37 PM

To: Babbitt, Michael; Holmes, Gail; Bob Martin; Russell Axelrod; Thomas A. Frank; Miller, Holly; Steel, Christine

Subject: questions re the LO water treatment plant?

Hi,

I hope you have recovered from the late night hearing. If you have questions for staff regarding the Lake Oswego water treat plant project, it would be helpful if you would send them to me so we are prepared to respond at the hearing. Thanks

John

John Sonnen

JSONNEN@westlinnoregon.gov

Planning and Building Director

22500 Salamo Rd.

West Linn, OR 97068

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Web: westlinnoregon.gov

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Pelz, Zach

From: Sonnen, John
Sent: Monday, April 23, 2012 9:53 AM
To: Steel, Christine; Babbitt, Michael; Bob Martin; Miller, Holly; Holmes, Gail; Thomas A. Frank; Russell Axelrod
Cc: Pelz, Zach; Le, Khoi
Subject: FW: questions re the LO water treatment plant?

Follow Up Flag: Follow up
Flag Status: Flagged

Responses to questions raised by Christine

John Sonnen, Planning Director
Planning and Building, #1524

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Approximately 23 single-family homes could be built on the site of the proposed Lake Oswego Water Treatment Plant.
2. How many times over the past five years has Lake Oswego supplied water to West Linn on an emergency basis?
Lake Oswego has supplied water to West Linn twice in the past 5 years; June 2007, 24-inch transmission line failure and December 2011, river intake failure. The pump station (pumping water to West Linn) is exercised on a weekly basis.
3. How many times over the past five years has West Linn supplied water to Lake Oswego on an emergency basis?
West Linn has supplied water to Lake Oswego once in the past 5 years; river intake issues.
4. What would happen to the intertie and the current IGA if the water plant was not located in West Linn?
If the Lake Oswego Water Treatment Plant was not located in West Linn, West Linn would not have an emergency intertie or IGA. The current emergency intertie pump station would have no purpose and would likely need to be abandoned.

Zach

Zach Pelz, Associate Planner
Planning and Building, #1542

From: Steel, Christine [<mailto:Christine.Steel@portofportland.com>]
Sent: Friday, April 20, 2012 4:38 PM
To: Sonnen, John
Subject: RE: questions re the LO water treatment plant?

Hi John –

I have a couple of questions:

1. Under the current zoning, how many houses could be built on the water plant property if the water plant was not there?
2. How many times over the past five years has Lake Oswego supplied water to West Linn on an emergency basis?
3. How many times over the past five years has West Linn supplied water to Lake Oswego on an emergency basis?
4. What would happen to the intertie and the current IGA if the water plant was not located in West Linn?

Thanks much,
Christine

From: Sonnen, John [<mailto:JSONNEN@westlinnoregon.gov>]
Sent: Friday, April 20, 2012 1:37 PM
To: Babbitt, Michael; Holmes, Gail; Bob Martin; Russell Axelrod; Thomas A. Frank; Miller, Holly; Steel, Christine
Subject: questions re the LO water treatment plant?

Hi,
I hope you have recovered from the late night hearing. If you have questions for staff regarding the Lake Oswego water treat plant project, it would be helpful if you would send them to me so we are prepared to respond at the hearing.
Thanks

John

John Sonnen
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

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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.

Pelz, Zach

From: Sonnen, John
Sent: Monday, April 23, 2012 8:39 AM
To: Pelz, Zach
Subject: FW: Safety and Security Question regarding CUP12-02 LO Water treatment plant

Follow Up Flag: Follow up
Flag Status: Flagged

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.

From: Vicky and Pat [mailto:patvicsmith@q.com]
Sent: Sunday, April 22, 2012 5:20 PM
To: Kerr, Chris; Kovash, John
Cc: Kevin Bryck; Vroman Shanon; rebecca walters; Ken Hanawa; Natalie Cooper; Tom & Gwen Sieben (gwensieben@att.net); Jones Eric; King Lamont; Sonnen, John
Subject: Safety and Security Question regarding CUP12-02 LO Water treatment plant

To Chris Kerr and Mayor Kovash -

It was brought out in public testimony [last Wednesday](#) night and we believe the City of West Linn needs to clarify for the West Linn Planning Commission and the citizens of West Linn, several questions about the potential expanded plant as it relates to **Safety and Security**.

We fully understand that West Linn may not have access to all the detailed Safety and Security Management plans as they relate to protecting this facility, however you should be aware of the basics and how the proposed expansion may change its "classification" or importance as a regional water provider and consequentially how this plant needs to be "secured" in the future. Lake Oswego is more than doubling the capacity, increasing storage and more than doubling the population that will be dependent on this water.

1. Has the applicant and the City of West Linn reviewed the proposed expansion with the Department of Homeland Security or its "Information Analysis and Infrastructure Protection division" to understand what will be required and how this differs from what is currently in place.
2. If not, how can the application be deemed complete when so many of the proposed features and site layout could fundamentally change?
3. In the event that additional security features be required by a STATE or FEDERAL AGENCY, such as full perimeter fencing, higher security fencing and high intensity lighting, would the City have any authority to re-open the Conditional Use Permit or hold the applicant to what is being shown in CUP-12-02?

These are basic questions that need answers before the Planning Commission votes on this application.

Please do not ask us to ask the applicant, you have a responsibility to understand and evaluate this relative to the Land use issue before you.

Thank you for your time, we look forward to your answers before Wednesday's next Planning Commission meeting.

Pelz, Zach

From: Sonnen, John
Sent: Monday, April 23, 2012 8:20 AM
To: Pelz, Zach
Subject: FW: questions re the LO water treatment plant?

Follow Up Flag: Follow up
Flag Status: Flagged

John Sonnen, Planning Director
Planning and Building, #1524

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From: Steel, Christine [mailto:Christine.Steel@portofportland.com]
Sent: Friday, April 20, 2012 4:38 PM
To: Sonnen, John
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3. How many times over the past five years has West Linn supplied water to Lake Oswego on an emergency basis?
4. What would happen to the intertie and the current IGA if the water plant was not located in West Linn?

Thanks much,
Christine

From: Sonnen, John [mailto:JSONNEN@westlinnoregon.gov]
Sent: Friday, April 20, 2012 1:37 PM
To: Babbitt, Michael; Holmes, Gail; Bob Martin; Russell Axelrod; Thomas A. Frank; Miller, Holly; Steel, Christine
Subject: questions re the LO water treatment plant?

Hi,
I hope you have recovered from the late night hearing. If you have questions for staff regarding the Lake Oswego water treat plant project, it would be helpful if you would send them to me so we are prepared to respond at the hearing.
Thanks

John

John Sonnen
JSONNEN@westlinnoregon.gov

Planning and Building Director

22500 Salamo Rd.

West Linn, OR 97068

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Web: westlinnoregon.gov

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Pelz, Zach

From: Yvonne Davis [yvonne.davis00@gmail.com]
Sent: Friday, April 20, 2012 11:57 AM
To: Kerr, Chris; Pelz, Zach; Spir, Peter
Subject: Please forward to Planning Commission Members re CUP-12-02

To the members of the West Linn Planning Commission,

I am writing to voice my opposition to the planned expansion of the Lake Oswego Water Treatment Plant in West Linn. Below are ten points I would like you to consider.

- 1) What is the real criteria to approve this project? My observation is that as long as the project team fills out the right forms and checks the right boxes, our planning department is happy to recommend approval. But the principal issue is not being addressed. And that is that an industrial facility of the scale that is being proposed has no business being located in a residential neighborhood - in any city. Safety and livability concerns should override all others.
- 2) It is apparent that the expansion is more aptly called a tear down and rebuild. Given that, and the associated costs to pipe the water to Lake Oswego, and keep the plant operational during construction, it makes no sense to use the Kenthorpe facility. Why isn't Lake Oswego looking at sites in their own city where they actually have an industrial area? If the tables were reversed, would Lake Oswego allow West Linn to shoehorn an industrial operation in their city limits?
- 3) If LOT proceeds with its plan, more dangerous chemicals will be transported and used right in our neighborhood. No one expects industrial accidents, but they happen all the time. And the consequences can be serious.
- 4) A huge pipeline will run directly in front of our homes, leading uphill to Highway 43. If the pipe fails, that water will run right in to our property, causing untold damage. There appears to be no effort on the part of LOT to protect the residents from any financial loss due to the risk that a major transmission line introduces to our neighborhood.
- 5) The plan does not state what specific dust mitigations will be employed during the construction phase of the plant. The amount of dust and particulates that will be stirred up will be considerable. I would like to know that my family can still use our yard during the 3 year project span.
- 6) The plan indicates that electrical transformers will be located on the southwest portion of the site. What specific mitigations will be used to dampen the buzz and hum that transformers generate? Our property is within about 200 feet of those transformers and I fear that their presence will become intrusive. Today in our yard, we hear birds. In a year, it will be heavy equipment and chain saws, to be followed in perpetuity by electrical buzzing, humming and snapping.
- 7) Highway 43 is already a bottleneck. How will pipeline construction be managed so it won't exacerbate an already bad situation? As witnessed when the Oregon City Bridge was first closed, a very small disruption in the traffic flow can have a huge ripple effect. Businesses located on Highway 43 will suffer, as will anyone trying to travel on the road.
- 8) If the consequences weren't so dire, it would be laughable that LOT has been allowed to split their project into two separate pieces. The strategy is obvious - dilute opposition, and have the pipeline ride the coattails of the plant's approval to justify its own approval. How can our planning department allow this? West Linn's overseers look toothless. This is an insult to everyone's intelligence.
- 9) Has West Linn determined if there are requirements that can be imposed by Homeland Security on the expanded plant? Sure, Lake Oswego can tell us that they will install non-intrusive lighting and fencing. But if Homeland Security requires more extensive lighting, security fencing and surveillance cameras, all Lake Oswego's assurances are worthless. And we are stuck living with it.
- 10) And lastly, some questions that I would like answered. What is the planning commission's responsibility to enforcing CC&Rs? How is it that Lake Oswego can proceed with this application without yet having gotten condemnation of the Maplegrove CC&Rs? And if the planning commission is not in place to protect our rights as residents and taxpayers, and keep West Linn a wonderful place to live, just what are you doing?

Please vote against the plant expansion.

Sincerely,

Yvonne Davis

Pelz, Zach

From: Sonnen, John
Sent: Friday, April 20, 2012 8:19 AM
To: Pelz, Zach
Subject: FW: FW: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

Follow Up Flag: Follow up
Flag Status: Flagged

John Sonnen, Planning Director
Planning and Building, #1524

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From: Bob Martin [mailto:drbobm4@gmail.com]
Sent: Thursday, April 19, 2012 11:21 PM
To: Sonnen, John
Subject: Re: FW: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

Hi John,

Here are the links:

http://lotigardwater.org/images/library/04_water_savvy_june_2010_web.pdf

http://lotigardwater.org/images/library/updated_draft_final_lake_oswego_wmcp_1-13-10.pdf

http://www.tigard-or.gov/city_hall/departments/water/docs/cot_lo_agreement_summary.pdf

http://lotigardwater.org/images/2011-12/supply_facilities_cip_final2.pdf

http://lotigardwater.org/images/2010-09/program_cost_update.pdf

<https://www.ci.oswego.or.us/calendar/councilmtgs/2007CCMinutes/071707.pdf>

http://www.tigard-or.gov/city_hall/departments/water/docs/exec_summary_water_supply_system_analysis.pdf

The first link is the one I referred to in the questions of the applicant.

Bob

On Thu, Apr 19, 2012 at 3:07 PM, Sonnen, John <JSONNEN@westlinnoregon.gov> wrote:

Hi Bob , please document the materials you are viewing re the LO project so it can be made part of the record.

John

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

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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.

From: Thomas A. Frank [mailto:mail@thomasafrank.com]
Sent: Thursday, April 19, 2012 3:05 PM
To: Pelz, Zach
Cc: Sonnen, John

Subject: Re: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

Zach,

For the record, I viewed:

<http://www.lotigardwater.org/?p=library>

<http://www.lotigardwater.org/?p=project-information>

<http://www.lotigardwater.org/>

and downloaded the attached FAQ file.

Pelz, Zach

From: Sonnen, John
Sent: Thursday, April 19, 2012 3:07 PM
To: Bob Martin
Cc: Pelz, Zach
Subject: FW: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA
Attachments: lo_tigard_faqs_final_1.19.11.pdf

Hi Bob , please document the materials you are viewing re the LO project so it can be made part of the record.

John

John Sonnen, Planning Director
Planning and Building, #1524

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From: Thomas A. Frank [mailto:mail@thomasafrank.com]
Sent: Thursday, April 19, 2012 3:05 PM
To: Pelz, Zach
Cc: Sonnen, John
Subject: Re: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

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<http://www.lotigardwater.org/?p=project-information>
<http://www.lotigardwater.org/>

and downloaded the attached FAQ file.

Thomas A. Frank, MBA

[e] mail@ThomasAFrank.com

[w] www.ThomasAFrank.com

[p] 503.985.6885



On Apr 19, 2012, at 2:49 PM, Pelz, Zach wrote:

Good afternoon, Mr. Frank;

I believe Commissioner Martin was referring to the Lake Oswego/Tigard Water Partnership website: <http://www.lotigardwater.org/>

Please be sure to submit all documents you review to the public record on this file.

Thanks,

Zach

On Apr 19, 2012, at 2:49 PM, Pelz, Zach wrote:

Good afternoon, Mr. Frank;

I believe Commissioner Martin was referring to the Lake Oswego/Tigard Water Partnership website: <http://www.lotigardwater.org/>

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Thanks,

Zach

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Good afternoon, Mr. Frank;

I believe Commissioner Martin was referring to the Lake Oswego/Tigard Water Partnership website: <http://www.lotigardwater.org/>

Please be sure to submit all documents you review to the public record on this file.

Thanks,

Zach

Pelz, Zach

From: Sonnen, John
Sent: Thursday, April 19, 2012 2:23 PM
To: Thomas A. Frank
Cc: Pelz, Zach
Subject: RE: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

We are trying to find out because it has to be part of the record

John Sonnen, Planning Director
Planning and Building, #1524

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From: Thomas A. Frank [mailto:mail@thomasafrank.com]
Sent: Thursday, April 19, 2012 2:16 PM
To: Sonnen, John
Subject: Re: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

Great. Could you also find out what website Commissioner Martin sited in his questioning of the applicant? I tried to replay the tape and couldn't make out the name of the site.

Also, I am a bit confused on the "benefit to West Linn" part of the CUP. Applicant is claiming increased flow potential with the inter-tie, but wouldn't that only be applicable, if and when the water pipe application comes through? So in a way we have to judge the applications separately (mutually exclusive), but then we have to consider them together for the overall perceived benefit. Does that make sense to you?

On Apr 19, 2012, at 1:42 PM, Sonnen, John wrote:

After their rebuttal which will likely come on April 25

 John Sonnen
JSONNEN@westlinnoregon.gov
Planning and Building Director
22500 Salamo Rd.
West Linn, OR 97068
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Web: westlinnoregon.gov

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From: Thomas A. Frank [<mailto:mail@thomasafrank.com>]
Sent: Thursday, April 19, 2012 1:14 PM
To: Sonnen, John
Subject: Re: Project CUP 12-02: Lake Oswego, South Fork, West Linn IGA

John,

Will we have a chance to ask questions to the applicant again after we reconvene the hearing in a couple of weeks?

-Thomas

Thomas A. Frank, MBA

[e] mail@ThomasAFrank.com

[w] www.ThomasAFrank.com

[p] 503.985.6885



On Apr 16, 2012, at 4:20 PM, Sonnen, John wrote:

<[image81d1c7.gif@4af88c35.093e448f](#)>

John Sonnen
JSONNEN@westlinnoregon.gov
Planning and Building Director
22500 Salamo Rd.
West Linn, OR 97068
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Pelz, Zach

From: chuck landskronercrm [chucklandskronercrm@hotmail.com]
Sent: Thursday, April 19, 2012 2:01 PM
To: Walters, Rebecca; Kerr, Chris; Pelz, Zach; Spir, Peter
Subject: Re:

Please add my name in support of this letter.

From: [Walters, Rebecca](#)
Sent: Thursday, April 19, 2012 1:09 PM
To: [Kerr, Chris](#) ; [Pelz, Zach](#) ; [Spir, Peter](#)

Mr. Kerr, Mr. Pelz and Mr. Spir:

I am sorry that I did not introduce myself to Mr. Pelz and Mr. Kerr after the hearing last evening. I wanted to ask about forwarding the emails to the planning commission. I have searched the West Linn city's website several times and have not found an email address for the "planning commission". I called the Planning Department and was told to send the email to Mr. Pelz and that he will forward them to the planning commission. Can you explain how you decide which emails are forwarded and how are we assured that these emails are received by each of the members or if they do not get forwarded? I realized that last evening at the hearing, there was a packet that had hard copies of the emails in them but some of the emails were not in there. Some of the emails may have come in after the noon deadline but will they be forwarded to the planning commission before the next hearing next Wednesday, April 25th?

I would like to have this email forwarded to the planning commission. The members of the planning commission asked great questions last evening at the hearing. Thanks to them for studying and being prepared.

1. West Linn Community Benefit: Last year in one of the Robinwood Neighborhood Association's meeting, a Tigard engineer in charge of the water (I don't remember his name) stood up and stated that the existing intertie between West Linn and Lake Oswego was used by BOTH cities; that in emergencies, Lake Oswego has received water from West Linn and ... West Linn has received water from Lake Oswego. On top of that NOT being a benefit to the expanded WTF ("Water Treatment Facility"), West Linn will need to spend \$200,000 (please check this figure) to build a new pump station to use the expanded large-pipe intertie. How could this be a benefit to the West Linn Community? I believe it was Mr. Axelrod that was questioning Lake Oswego about the amounts of water that will be contractually given to West Linn in times of emergency. It would be helpful to know how often the existing intertie has been used to illustrate how much of a "benefit" this is. We definitely need a backup emergency supply. Also, it would be good to question the IGA that governs how the water is distributed in times of emergencies. Last evening at the hearing, Joel Komarek from Lake Oswego did say that this IGA (Intergovernmental Agreement or contract?) has not been amended for this expansion. Please forgive my stupidity in what "IGA" stands for.
2. Two Conditional Use Permits ("CUP"): Lake Oswego and Tigard have applied for the WTF CUP and separately for the pipeline CUP. One of the planning commissioners asked Joel Komarek why this was done? His answer was to a different question and I did not understand it. These both should be together because they do not make sense to be approved separately. What our lawyer apprised us of, is that the first CUP could be approved and then the city of West Linn would be required to approve the second CUP because of the "stranded assets" argument (i.e., WTF is built but not useful without the pipeline, therefore the WTF is a stranded asset and vice versa).
3. Conditional Use Permit Process v. Amendment to Comprehensive Plan: This is such a large industrial facility and even Lake Oswego in the hearing last evening called it a "Regional" water facility that will serve many cities. West Linn should require Lake Oswego and Tigard to forego the two conditional use permit applications and use the amendment to West Linn's Comprehensive Plan which will allow for more scrutiny on this regional water facility expansion and pipeline.
4. Analysis Document for Alternative Sites: Lake Oswego and Tigard should be required to provide a document that shows they have truly researched alternative sites. The cost of the pipeline alone makes this project's budget huge – using horizontal directional drilling to bring the 48-inch pipeline UNDERNEATH the Willamette River and up Mapleton and all the way down Route 43 to Lake Oswego. Last year, when Joel Komarek from Lake Oswego was asked about alternative sites in a Robinwood Neighborhood meeting, he replied that they [Lake Oswego] do not want it in their city. As Vicky Smith has

pointed out, the budget using their own Foothills area which has a sewer treatment plant and is zoned industrial would cost Lake Oswego and Tigard less than the West Linn WTF and pipeline.

5. CC&R: Yes, I realize that our city, West Linn, does not enforce nor police the covenants and restrictions of neighborhoods but I think it still important for the planning commission to know what has occurred on this. There are 87 tax lots in the Maple Grove subdivision and our CC&R's state that only single-family residences can be built on these lots. If a change is requested to the CC&R's then there needs to be 75% of the owners of these tax lots agree to the change. Lake Oswego tried to get signatures to waive the single-family restriction on the 4 lots on Mapleton and only obtained about 19 signatures. Since they could not get 75% of the signatures, they have sued us using condemnation/imminent domain. We have formed a coalition of 40% of the Maple Grove subdivision and have been forced to hire an attorney to represent us. Why should we have to spend our money on this? The proximity appraisal study that our coalition's lawyer, Mr. Biersdorf, requires for the courts is costing us around \$30,000 (that does not include the lawyer's fees). Yikes! Is that a good neighbor? Some of our neighbors are on payment plans to help with the costs of our lawyer and appraisal.
6. Devaluation of Properties: Lake Oswego has offered \$1,000 to some of the Maple Grove subdivision owners and stated that there is no devaluation of our properties due to this WTF expansion. The \$1,000 is offered just for "our time and trouble", if we sign the waiver to the CC&Rs. We have several neighbors who are trying to sell their homes or properties. Their realtors have driven clients to view their homes on Mapleton/Kenthorpe. The realtors told them that their clients ask about the WTF and then reply "there are lots of homes to purchase; do not look at any home on Mapleton/Kenthorpe."
7. Insurance: Yes, I called our Safeco insurance agent when in January, Jane Heisler from Lake Oswego called me to tell me that the pipeline was going to be drilled under my property but that there would be no worries. I wanted to know what would be covered in case the pipeline leaked and caused my home to sink or whatever. My agent did some research and called me back with bad news. He told me that the City of Lake Oswego would not be liable because they will show they did due diligence in the maintenance of the WTF and pipeline. He said that the homeowners policy would not cover it and even if we added a rider to our policy, that this type of water damage would not be covered because it is NOT a natural disaster. Since this is a "regional" WTF, shouldn't Lake Oswego provide insurance to all of our homes in this area?

Thanks for all of your time. I am impressed with the planning commissioners' conduct and intelligence at last evening's hearing. This is my first hearing I have attended. I was proud of how many of our citizens showed up to this hearing and that the planning commission listened to each until 11:30 p.m.!

Rebecca Walters

I've learned that it is better to be kind than right.
503-402-3308

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Pelz, Zach

From: Walters, Rebecca [Rebecca.Walters@adp.com]
Sent: Thursday, April 19, 2012 1:59 PM
To: Pelz, Zach; Kerr, Chris; Spir, Peter
Subject: RE:
Attachments: image001.gif

Thank-you Mr. Pelz. That is great news.
Rebecca

From: Pelz, Zach [mailto:ZPELZ@westlinnoregon.gov]
Sent: Thursday, April 19, 2012 1:56 PM
To: Walters, Rebecca (DS); Kerr, Chris; Spir, Peter
Subject: RE:

Ms. Walters,

I'm sorry that we were unable to meet last night as well. All of the emails, letters and other correspondence that we've received since this application was submitted on January 17 has been forwarded to the Planning Commission. Additionally, all written correspondence received at last night's meeting as well as all correspondence received up to the April 25 hearing will be included in a packet that will be delivered to the Planning Commission for their review.

All comments regarding the merits of the application are forwarded to the Planning Commission; we typically exclude questions directed to staff that inquire about meeting procedures and so forth, to expedite the Planning Commission's review. The packets that were available at last night's meeting included all correspondence received to date; these are included in three separate memos to the Planning Commission as well as the staff report. Here is a link to the [online public record for this project](#).

Thank you for your comments,

Zach

 Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
P: (503) 723-2542
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Walters, Rebecca [mailto:Rebecca.Walters@adp.com]
Sent: Thursday, April 19, 2012 1:10 PM
To: Kerr, Chris; Pelz, Zach; Spir, Peter
Subject:

Mr. Kerr, Mr. Pelz and Mr. Spir:

I am sorry that I did not introduce myself to Mr. Pelz and Mr. Kerr after the hearing last evening. I wanted to ask about forwarding the emails to the planning commission. I have searched the West Linn city's website several times and have not found an email address for the "planning commission". I called the Planning Department and was told to send the email to Mr. Pelz and that he will forward them to the planning commission. Can you explain how you decide which emails are forwarded and how are we assured that these emails are received by each of the members or if they do not get forwarded? I realized that last evening at the hearing, there was a packet that had hard copies of the emails in them but some of the emails were not in there. Some of the emails may have come in after the noon deadline but will they be forwarded to the planning commission before the next hearing next Wednesday, April 25th?

I would like to have this email forwarded to the planning commission. The members of the planning commission asked great questions last evening at the hearing. Thanks to them for studying and being prepared.

1. West Linn Community Benefit: Last year in one of the Robinwood Neighborhood Association's meeting, a Tigard engineer in charge of the water (I don't remember his name) stood up and stated that the existing intertie between West Linn and Lake Oswego was used by BOTH cities; that in emergencies, Lake Oswego has received water from West Linn and ... West Linn has received water from Lake Oswego. On top of that NOT being a benefit to the expanded WTF ("Water Treatment Facility"), West Linn will need to spend \$200,000 (please check this figure) to build a new pump station to use the expanded large-pipe intertie. How could this be a benefit to the West Linn Community? I believe it was Mr. Axelrod that was questioning Lake Oswego about the amounts of water that will be contractually given to West Linn in times of emergency. It would be helpful to know how often the existing intertie has been used to illustrate how much of a "benefit" this is. We definitely need a backup emergency supply. Also, it would be good to question the IGA that governs how the water is distributed in times of emergencies. Last evening at the hearing, Joel Komarek from Lake Oswego did say that this IGA (Intergovernmental Agreement or contract?) has not been amended for this expansion. Please forgive my stupidity in what "IGA" stands for.
2. Two Conditional Use Permits ("CUP"): Lake Oswego and Tigard have applied for the WTF CUP and separately for the pipeline CUP. One of the planning commissioners asked Joel Komarek why this was done? His answer was to a different question and I did not understand it. These both should be together because they do not make sense to be approved separately. What our lawyer apprised us of, is that the first CUP could be approved and then the city of West Linn would be required to approve the second CUP because of the "stranded assets" argument (i.e., WTF is built but not useful without the pipeline, therefore the WTF is a stranded asset and vice versa).
3. Conditional Use Permit Process v. Amendment to Comprehensive Plan: This is such a large industrial facility and even Lake Oswego in the hearing last evening called it a "Regional" water facility that will serve many cities. West Linn should require Lake Oswego and Tigard to forego the two conditional use permit applications and use the amendment to West Linn's Comprehensive Plan which will allow for more scrutiny on this regional water facility expansion and pipeline.
4. Analysis Document for Alternative Sites: Lake Oswego and Tigard should be required to provide a document that shows they have truly researched alternative sites. The cost of the pipeline alone makes this project's budget huge – using horizontal directional drilling to bring the 48-inch pipeline UNDERNEATH the Willamette River and up Mapleton and all the way down Route 43 to Lake Oswego. Last year, when Joel Komarek from Lake Oswego was asked about alternative sites in a Robinwood Neighborhood meeting, he replied that they [Lake Oswego] do not want it in their city. As Vicky Smith has pointed out, the budget using their own Foothills area which has a sewer treatment plant and is zoned industrial would cost Lake Oswego and Tigard less than the West Linn WTF and pipeline.
5. CC&R: Yes, I realize that our city, West Linn, does not enforce nor police the covenants and restrictions of neighborhoods but I think it still important for the planning commission to know what has occurred on this. There are 87 tax lots in the Maple Grove subdivision and our CC&R's state that only single-family residences can be built on these lots. If a change is requested to the CC&R's then there needs to be 75% of the owners of these tax lots agree to the change. Lake Oswego tried to get signatures to waive the single-family restriction on the 4 lots on Mapleton and only obtained about 19 signatures. Since they could not get 75% of the signatures, they have sued us using condemnation/imminent domain. We have formed a coalition of 40% of the Maple Grove subdivision and have been forced to hire an attorney to represent us. Why should we have to spend our money on this? The proximity appraisal study that our coalition's lawyer, Mr. Biersdorf, requires for the courts is costing us around \$30,000 (that does not include the lawyer's fees). Yikes! Is that a good neighbor? Some of our neighbors are on payment plans to help with the costs of our lawyer and appraisal.
6. Devaluation of Properties: Lake Oswego has offered \$1,000 to some of the Maple Grove subdivision owners and stated that there is no devaluation of our properties due to this WTF expansion. The \$1,000 is offered just for "our time and trouble", if we sign the waiver to the CC&Rs. We have several neighbors who are trying to sell their homes or properties. Their realtors

have driven clients to view their homes on Mapleton/Kenthorpe. The realtors told them that their clients ask about the WTF and then reply “there are lots of homes to purchase; do not look at any home on Mapleton/Kenthorpe.”

7. Insurance: Yes, I called our Safeco insurance agent when in January, Jane Heisler from Lake Oswego called me to tell me that the pipeline was going to be drilled under my property but that there would be no worries. I wanted to know what would be covered in case the pipeline leaked and caused my home to sink or whatever. My agent did some research and called me back with bad news. He told me that the City of Lake Oswego would not be liable because they will show they did due diligence in the maintenance of the WTF and pipeline. He said that the homeowners policy would not cover it and even if we added a rider to our policy, that this type of water damage would not be covered because it is NOT a natural disaster. Since this is a “regional” WTF, shouldn’t Lake Oswego provide insurance to all of our homes in this area?

Thanks for all of your time. I am impressed with the planning commissioners’ conduct and intelligence at last evening’s hearing. This is my first hearing I have attended. I was proud of how many of our citizens showed up to this hearing and that the planning commission listened to each until 11:30 p.m.!

Rebecca Walters

I’ve learned that it is better to be kind than right.
503-402-3308

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Pelz, Zach

From: Sonnen, John
Sent: Wednesday, April 18, 2012 6:32 PM
To: Pelz, Zach
Subject: FW: Public Comment - Water Treatment Plant Expansion

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: Carol [mailto:carol.ellsworth@comcast.net]
Sent: Wednesday, April 18, 2012 6:16 PM
To: CWL Planning Commission
Subject: Public Comment - Water Treatment Plant Expansion

April 18th, 2012

Dear Commission,

I fully and completely oppose any expansion of the Lake Oswego Water Treatment.

Despite the completeness and detail of their application as presented, there are many, excellent questions and legitimate concerns that have been omitted and left unanswered by the City of Lake Oswego Water Treatment Plant (LOT).

The concerns and questions that all of the citizens of West Linn have are profound and detailed.

One very important fact and concern that LOT has not addressed is the significant potential of industrial chemical contamination on the Cantrell Property that LOT owns. For over 30 years, this property served as an excavation construction company's primary place of business. As a 30 year resident, I know for a fact there were many occasions when large volumes petroleum based liquids were openly dumped at and around the property, especially where the prior shop and garage existed.

Last, I ask that you use your full powers. as planning commissioners and citizen residents of this community, that you ensure every effort and every resource is made available to eliminate that possibility that there is any chance or chemical and ground water contamination.

Sincerely,

Carol Ellsworth
4553 Mapleton Drive
West Linn OR 97068

Pelz, Zach

From: Russell Axelrod [rbaxelrod@yahoo.com]
Sent: Wednesday, April 18, 2012 5:55 PM
To: Pelz, Zach
Cc: Sonnen, John; Kerr, Chris
Subject: Re: quick questions on background info for CUP 12-02
Attachments: image985700.gif@4ecc2b5.3aa040b3

Zach,

Thank you for the information. With regard to the goals in the comp plan I had reviewed all the sections and didn't think to look up front at the cover section, but that makes great sense.

Russ

From: "Pelz, Zach" <ZPELZ@westlinnoregon.gov>
To: "rbaxelrod@yahoo.com" <rbaxelrod@yahoo.com>
Cc: "Sonnen, John" <JSONNEN@westlinnoregon.gov>; "Kerr, Chris" <ckerr@westlinnoregon.gov>
Sent: Wednesday, April 18, 2012 4:24 PM
Subject: RE: quick questions on background info for CUP 12-02

Mr. Axelrod,

Responses to your questions are included **inline** below:

 Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
P: (503) 723-2542
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Sonnen, John
Sent: Wednesday, April 18, 2012 1:13 PM
To: Kerr, Chris; Pelz, Zach
Subject: FW: quick questions on background info for CUP 12-02

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.

From: Russell Axelrod [mailto:rbaxelrod@yahoo.com]
Sent: Wednesday, April 18, 2012 1:01 PM
To: Sonnen, John
Subject: quick questions on background info for CUP 12-02

John,

Today's hearing comes at a difficult time for me because of other work commitments the past couple weeks lasting until 4/25. Nevertheless, I hope to be reasonably prepared to address apparent significant matters presented by proposed CUP 12-02 as the hearing process opens this evening.

At this stage can you answer for me the following questions regarding the public testimony record in Exhibit PC-4:

1. Identify the author(s) and date of the letter to the LO City Council shown on pages 5-7?

The list of questions on pages 5-7 was submitted by Ms. Vicky Smith on behalf of the Robinwood Neighborhood Association's Great Neighborhood Committee. The Letter was submitted on January 25, 2012.

2. Identify the author(s) of the 3/13/12 letter to Z. Pelz and the PC on pages 10-12?

The author is Mr. Gary Hitesman

3. Identify the location of the eleven WL City Council goals adopted 2/5/03 and listed on pages 59-60? I assume these are in the Comp Plan somewhere, but haven't located them specifically.

These goals may be found on page 2 of the West Linn Comprehensive Plan here:

<http://westlinnoregon.gov/sites/default/files/fileattachments/WEB%20Version%20revised%20April%202009%20with%20maps.pdf>

4. Can you provide any context for DJ Heffernan the author of the 2/8/12 memorandum to the Robinwood Neighborhood Association in the 4/9/12 memorandum of supplemental public comments for April 6, 2012 staff report.

At the request of the Robinwood Neighborhood Association, the West Linn City Council agreed to hire a professional third party planner to review the Applicant's submittal relative to the West Linn Community Development Code. Mr. Heffernan helped the Robinwood Neighborhood Association identify possible mitigation measures with regard to the applicant's proposal.

Thanks, Russ
