



## Memorandum

Date: October 26, 2012

To: West Linn Planning Commission

From: Zach Pelz, Associate Planner

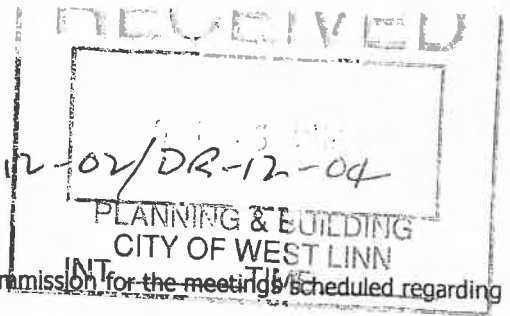
Subject: New evidence received since noon on October 25, 2012, regarding Lake Oswego-Tigard Water Partnership pending land use proposals (CUP-12-02/CUP-12-04)

---

Attached is the public **testimony received since noon on October 25, 2012**, regarding the Lake Oswego-Tigard Water Partnership pending land use proposals.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant *CUP-12-02/DR-12-04*  
*Av & CUP-12-04/DR-12-14*  
and Pipeline



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

---

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

---

Signature

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

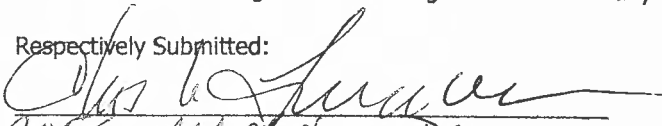
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
9059 Mapleton Dr  
Signature

Address

Please print name

CHARLES LANDSKRONER

Email Address

charlandskroner@gmail.com

Phone number

(503) 539-4680

Any additional comments: THE PROPERTY IS ZONED RESIDENTIAL  
AND ALTHOUGH CHANGES OVERTIME CAN RESULT IN  
JUSTIFICATION FOR ALTERNATIVE USES, THIS IS NOT THE  
SITUATION AT THIS LOCATION BECAUSE OVERTIME THIS  
AREA WILL CONTINUE TO REMAIN RESIDENTIAL.

Therefore the neighborhood should continue to be  
preserved as a liveable and the planning Commission  
should consider this a priority. It is in the overall  
best interests of the community. This application provides no  
benefit to West Lynn and does not meet any of the  
requirements of the City.

---

Thank You!

## Pelz, Zach

---

**From:** Cliff Gerber [cliffgerber@comcast.net]  
**Sent:** Thursday, October 25, 2012 4:28 PM  
**To:** Pelz, Zach  
**Subject:** Lake Oswego-Tigard Water Treatment Plant Expansion and Water Transmission Pipeline

Dear Mr. Peltz,

Could you please enter my below text into the record and deliver to the commission for tonight's meeting?

Please also confirm receipt.

I would like to comment on the Lake Oswego-Tigard Water Treatment Plant Expansion and Water Transmission Pipeline.

I oppose this project as it does not belong in a residential neighborhood. It seeks a Conditional Use Permit, but I don't believe Conditional Use was ever meant to be interpreted as industrial in the middle of residential. I believe this is in violation of CDC 60.070 (A) (2) as relates to location. This is a regional water treatment facility, is industrial in nature and in no way consistent with the surrounding land use.

I would also suggest as regards CDC 60.070 (A) (3), that this proposal is not consistent with the needs of the citizens of West Linn. Although LOT has interpreted much of its adherence to codes and regulations as "benefits" to the area, I do not believe this to be the case.

The community does not need nor does it benefit from the following:

- Thousands of Diesel powered trucks on our roads and in our neighborhoods contributing to noise and air pollution, all of which is contrary to the specified goals of the Comprehensive Plan
- Neighborhood streets being torn up to the point of being impassable for residents getting to their homes and emergency vehicles
- Massive intrusion upon MSY park
- Condemnation of neighborhoods' long standing CC&R's resulting in expense and undue stress for those residents involved

In addition, the seismic dangers that have been shown to exist with this site are in violation of CDC 60.070(A) (2) which states that the site must be safe geologically and topographically. Regardless of how compliant this project is with modern construction practice, it makes no sense to increase the possible damage of a large earthquake by locating such a facility in a residential area.

There are many other issues that the residents of this city have called to your attention. Please hear their voices and include mine as one raised in opposition.

Thank You

Clifford Gerber  
18406 Nixon Ave  
West Linn, OR 97068

West Linn Planning Commission Meeting 10/18/2012

LOT Water Treatment Plant Expansion

Testimony from: Lamont King

4257 Kenthorpe Way, West Linn OR

My name is Lamont King and I have been a resident of West Linn for over 40 years. I live across the street from the LOT Water Treatment Plant and was living there when it was constructed around 1968. We didn't want an industrial plant in our neighborhood then and we still don't.

Earlier this year I received several phone calls from people living on Mapleton who were recently sued by LOT to nullify covenants on the deeds to their property. These people were terrified by the prospect of being sued and asked me how another city could come into West Linn and use eminent domain to take away their property rights. They asked me how they could justify a huge industrial plant expansion in our city and put us through the construction nightmare and increased industrial presence after construction when the plant wasn't for their benefit.

I would like to address the Neighborhood Coordination contained in LOT'S filing and show how their interaction with our neighborhood was superficial and insincere and failed maintain a "high level of communication" during the construction phase. They acknowledge the plant is located "in the midst of a residential neighborhood " and that the plant must remain "compatible with this setting" which it does not.

My first experience with LOT came at a meeting at the local Presbyterian Church on 12/10/2010. Representatives from LOT conducted a meeting using handheld electronic devices to record responses to various questions about the proposed plant. A quick review of those questions revealed that many, if not all of the questions regarded issues that were not optional on the part of LOT. They will be required to replant/restore areas disturbed by the pipeline in MSY Park, they will be required to minimize pipeline time/disruption, they will have to maintain access to area homes during construction and they will have to ensure a safe school commute during the construction period. The list goes on and the more we read caused many of us to not participate in the voting which LOT dutifully recorded. This insulting attempt to create a record showing they worked with the neighborhood has continued throughout most of the process.

LOT mentions other Public Outreach in their proposed plan. They mentioned public briefings for neighborhood associations and other interested groups. They didn't mention that four of the largest and most active Neighborhood Associations(Bolton, Willamette,Hidden Springs and Robinwood) voted in support of the GNC and against LOT's unchecked expansion into our neighborhood.

LOT has attended many of our neighborhood meetings and conducted a number of open houses but have refused to sit down with concerned members of our community and address issues that have

many residents concerned about the impact this development will have on their homes and the liveability of the neighborhood.

Most, if not all of the mitigations LOT has claimed they included in their plan for the benefit of the community were required by the City of West Linn, TV&R and other approving bodies. The items requested by members of the community to specifically address the expansion of a major industrial facility in a residential neighborhood were for the most part ignored. There were recent meetings with LOT senior level people (the mayors and the Oversight Committee) and those meetings indicated that there was some common ground and perhaps with additional meetings and some sincere give and take, some of our concerns could be better addressed.

This expansion has little or no direct benefit to the citizens of West Linn (we already have mutually beneficial intertie) and this hearing is about the plant and not the pipeline. LOT's own Project Manager has publicly stated that the Clackamas watershed cannot provide long term water for existing customers in Clackamas County and now he plans on selling 20 million gallons a day to Tigard in order to subsidize Lake Oswego's water rates. I ask that the West Linn Planning Commission deem this application incomplete until the concerns of the citizens of West Linn have been properly addressed.

Respectfully submitted,

Lamont King 4/18/2012



**Pelz, Zach**

---

**From:** lamontking@comcast.net  
**Sent:** Thursday, October 25, 2012 5:09 PM  
**To:** Pelz, Zach  
**Subject:** PC testimony to be included in record  
**Attachments:** West Linn Planning Commission Meeting.docx

Hi Zach,

After my presentation last week, the PC asked them I submit my testimony in writing. Please add this attachment to the PC file on LOT.

Thanks,

Lamont

**Pelz, Zach**

---

**From:** Norman King [normbking@gmail.com]  
**Sent:** Thursday, October 25, 2012 4:20 PM  
**To:** Pelz, Zach; Michael Babbitt; Russell Axelrod  
**Subject:** 10/18/2012 Testimony @ Planning Commission  
**Attachments:** Norm King testiminy at WTP.docx

Zach, attached is a written copy of my testimony at the last Planning Commission meeting. I apologize for taking so long to get this to you. I closed the document intending to proof it later and just forgot it. Norm

Norm King Comments, Planning Commission, 10/18/2012  
LOT Water Treatment Plant and Pipeline

CDC60.070 (A)(2) Shape: The “cross” shape of the applicant’s property exposes residences located at the “interior corners” of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents’ quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant.

The location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnically impaired site.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young Park is a State owned park. But then claim the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park by the LOT easement.

I don't recall that a redundant I-205 Crossing is in the 2008 Water Master Plan, particularly at a site so bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

Please keep in mind that some of the benefits claimed by LOT in their presentation are paid for by the citizens of West Linn. In addition, they are required to do the work by the Planning Department.

I believe the costs to the citizens of West Linn should be included in the calculation of benefits with the required net result being positive.

60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required.

The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

In 55.100(B)(6)(c) (Transition). The applicant is not in compliance with this paragraph. The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither are contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility removes and replaces utility poles. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

Where is our West Linn government? Aren't they watching out for our best interests? Why should you, I and all West Linn residents subsidize the construction and operation of this plant. Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required. LOT does not pay property taxes, and in 50 years has not paid a franchise fee or transportation fee. This shows extraordinary favoritism to LOT over citizens. This favoritism is shown to all developers, but this level is unacceptable. Conditions of approval must require cost recovery contracts with City and County agencies.

**Pelz, Zach**

---

**From:** Robley, Claire [Claire.Robley@fnf.com]  
**Sent:** Thursday, October 25, 2012 3:38 PM  
**To:** Pelz, Zach  
**Subject:** Lake Oswego-Tigard Water Partnership  
**Attachments:** Water Plant and Pipeline.pdf

RE: LOT water Treatment Plant and Pipeline

*Thank you,  
Claire Robley*

TO: West Linn Planning Commission  
RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant and Pipeline

**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached). In addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

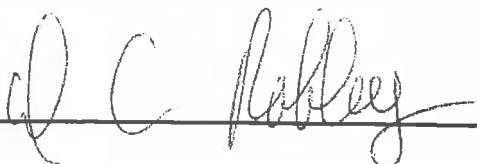
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any Intersection improvements.

Signature





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

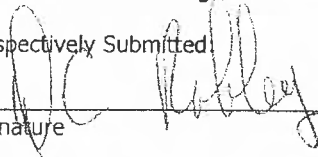
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted,

  
Signature

2679 Mark Lane  
Address

Please print name

Claire Robbley

Email Address

claire.robbley@aol.com

Phone number

503 656-1650

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>As truck trip volume reported is one-way reach round trip results in two (2) one-way trips

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

## Pelz, Zach

---

**From:** Oveson, Pete [POveson@BrwnCald.com]  
**Sent:** Thursday, October 25, 2012 1:21 PM  
**To:** Pelz, Zach  
**Subject:** RE: Questions regarding the LO project  
**Attachments:** image001.jpg; image002.gif; Mapleton Drive Borings.pdf

Zach,

See attached for borings MA-1 through MA-4. Sorry for the delay.

Pete

**Pete Oveson, P.E.**  
Brown and Caldwell  
6500 SW Macadam Avenue Suite 200  
Portland, OR 97239  
[poveson@brwncaid.com](mailto:poveson@brwncaid.com)  
T: 503.977.6650 | C: 503.880.5837



**From:** Pelz, Zach [mailto:ZPELZ@westlinnoregon.gov]  
**Sent:** Tuesday, October 23, 2012 3:19 PM  
**To:** Oveson, Pete  
**Subject:** FW: Questions regarding the LO project

Pete,

Can you please provide the boring logs for Borings MA-1 through MA-4 as requested by Commissioner Axelrod below?

Thanks, and let me know if you have any questions or reservations.

Zach

The logo for the City of West Linn, with "CITY OF" in small letters above "West Linn".  
Zach Pelz, AICP  
[ZPELZ@westlinnoregon.gov](mailto:ZPELZ@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd.  
West Linn, OR 97068  
P: (503) 723-2542  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

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

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

**From:** Sonnen, John  
**Sent:** Tuesday, October 23, 2012 3:09 PM  
**To:** Pelz, Zach  
**Subject:** FW: Questions regarding the LO project

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:** Russell Axelrod [<mailto:rbaxelrod@yahoo.com>]  
**Sent:** Tuesday, October 23, 2012 3:06 PM  
**To:** Sonnen, John  
**Subject:** Re: Questions regarding the LO project

John,  
Another question/information needed.

I need to see the boring logs for MA-1 through MA-4 mentioned in the 6/20/12 Kleinfelder letter in Section 8 of the applicants RWP/FWP CU application. An 8/23/12 Kleinfelder letter update was provided which also refers to these borings but the logs were not in that submittal either. I did not locate this information in the hard copies or CD's of the CU app's I received from WL.

Russ

**From:** "Sonnen, John" <[JSONNEN@westlinnoregon.gov](mailto:JSONNEN@westlinnoregon.gov)>  
**To:** "Babbitt, Michael" <[Michael@michael-babbitt.com](mailto:Michael@michael-babbitt.com)>; Bob Martin <[drbobm4@gmail.com](mailto:drbobm4@gmail.com)>; "Steel, Christine" <[christine.steel@portofportland.com](mailto:christine.steel@portofportland.com)>; "Miller, Holly" <[holly.millerc@gmail.com](mailto:holly.millerc@gmail.com)>; "Frank, Thomas" <[mail@thomasafrank.com](mailto:mail@thomasafrank.com)>; "Holmes, Gail" <[gholmes927@aol.com](mailto:gholmes927@aol.com)>; Russell Axelrod <[rbaxelrod@yahoo.com](mailto:rbaxelrod@yahoo.com)>  
**Cc:** "Pelz, Zach" <[ZPELZ@westlinnoregon.gov](mailto:ZPELZ@westlinnoregon.gov)>  
**Sent:** Friday, October 19, 2012 1:26 PM  
**Subject:** Questions regarding the LO project

Hi. Thanks for having two, long, back to back meetings. If you have questions as you consider the testimony please email them to me and we will get response before your next meeting. Enjoy the weekend.

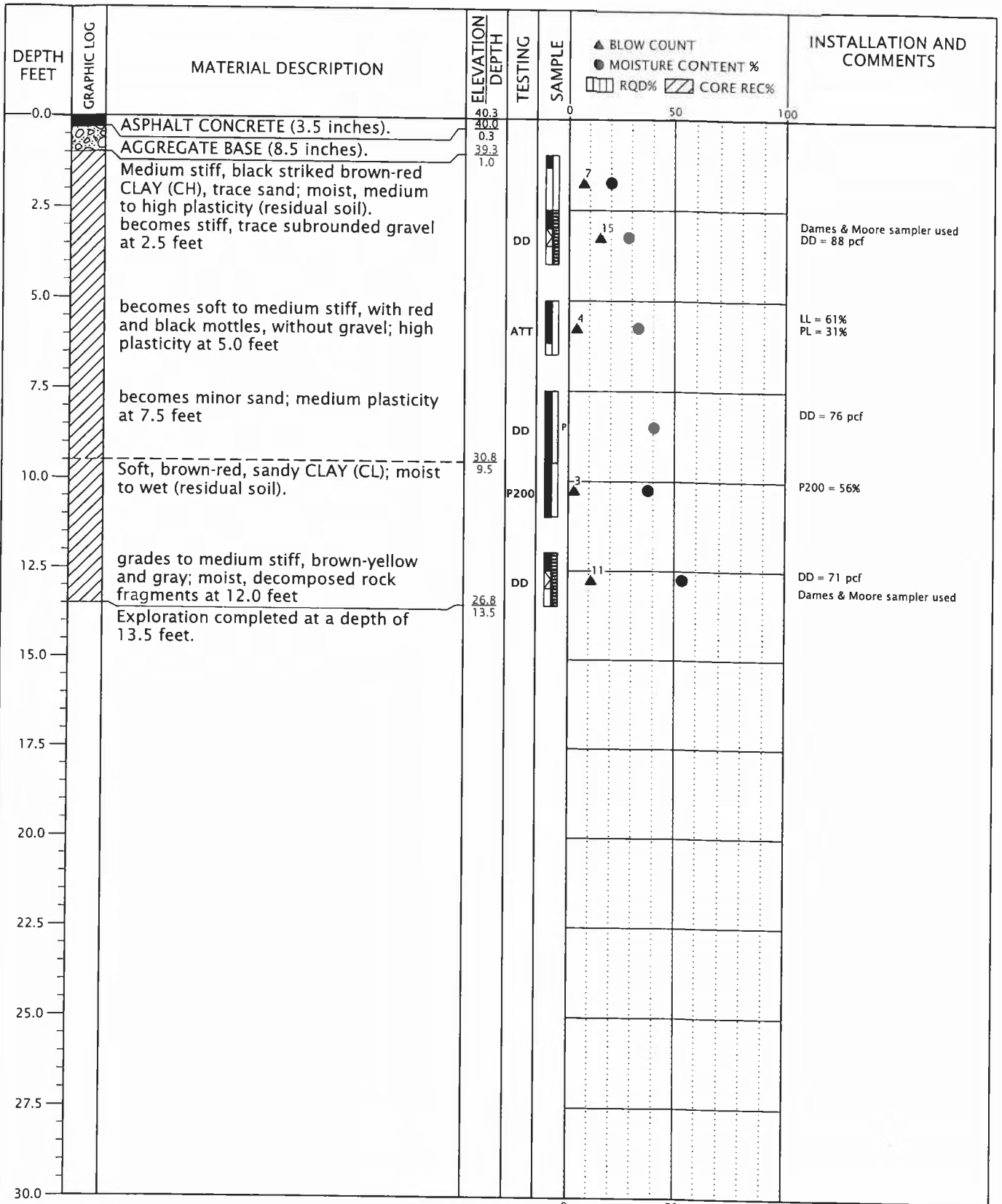
John

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

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

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

BORING LOG: BROWNCALD-49-05-01-MASTER.CPJ GEODESIGN.GDT PRINT DATE: 3/16/11:KT



DRILLED BY: Western States Soil Conservation, Inc.

LOGGED BY: NAK

COMPLETED: 07/21/10

BORING METHOD: hollow-stem auger (see report text)

BORING BIT DIAMETER: 8-inch



15575 SW Sequoia Parkway - Suite 100  
Portland OR 97224  
Off 503.968.8787 Fax 503.968.3068

BROWNCALD-49-05-01

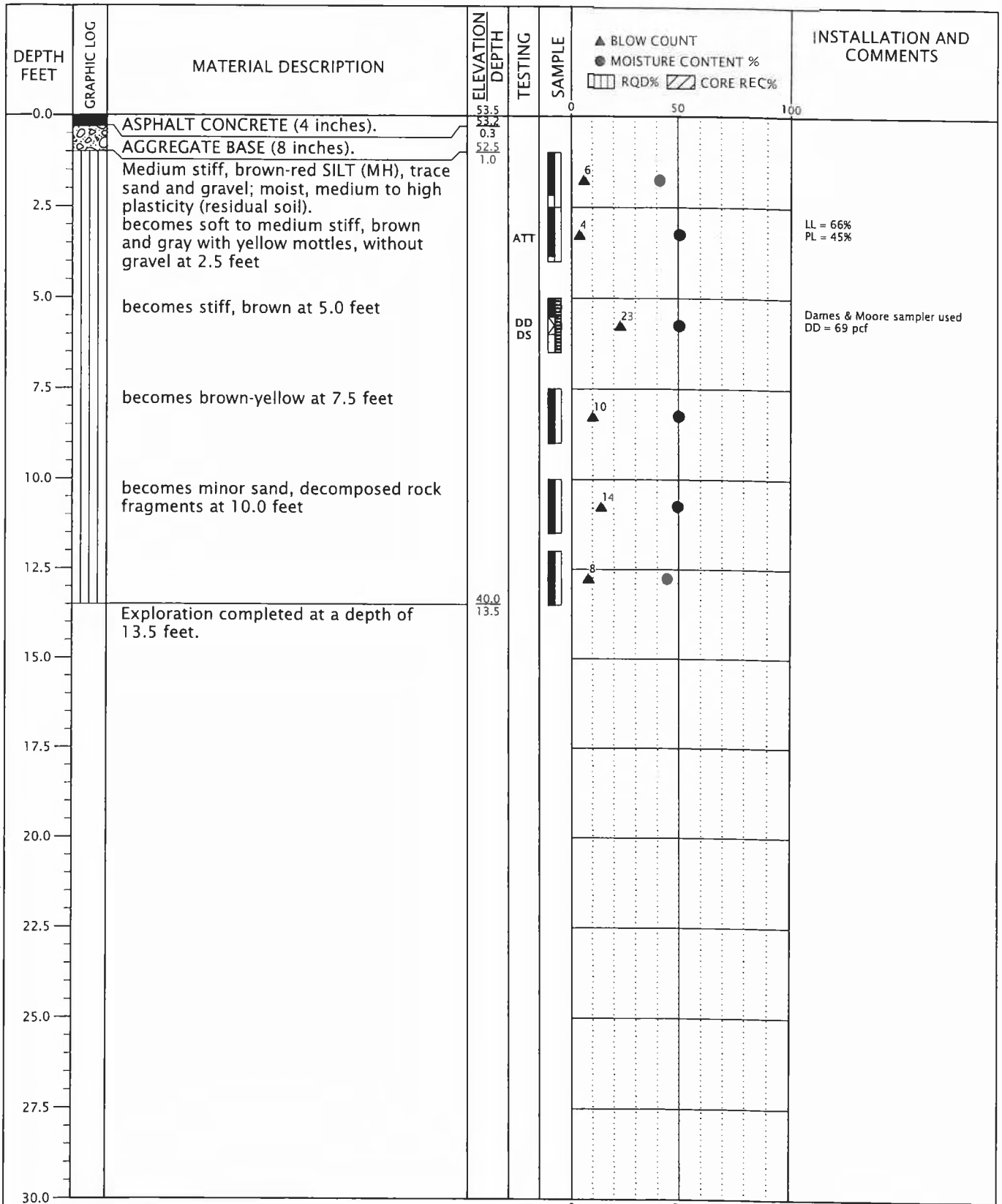
BORING MA-1

MARCH 2011

LAKE OSWEGO RAW WATER PIPELINE  
CLACKAMAS COUNTY, OR

FIGURE A-17

BORING LOG BROWNCALD-49-05-01-MASTER.GPJ GEODESIGN.CDT PRINT DATE: 3/16/11 KT



DRILLED BY: Western States Soil Conservation, Inc.

LOGGED BY: NAK

COMPLETED: 07/21/10

BORING METHOD: hollow-stem auger (see report text)

BORING BIT DIAMETER: 8-inch

**GEODESIGN**  
 15575 SW Sequoia Parkway - Suite 100  
 Portland OR 97224  
 Off 503.968.8787 Fax 503.968.3068

BROWNCALD-49-05-01

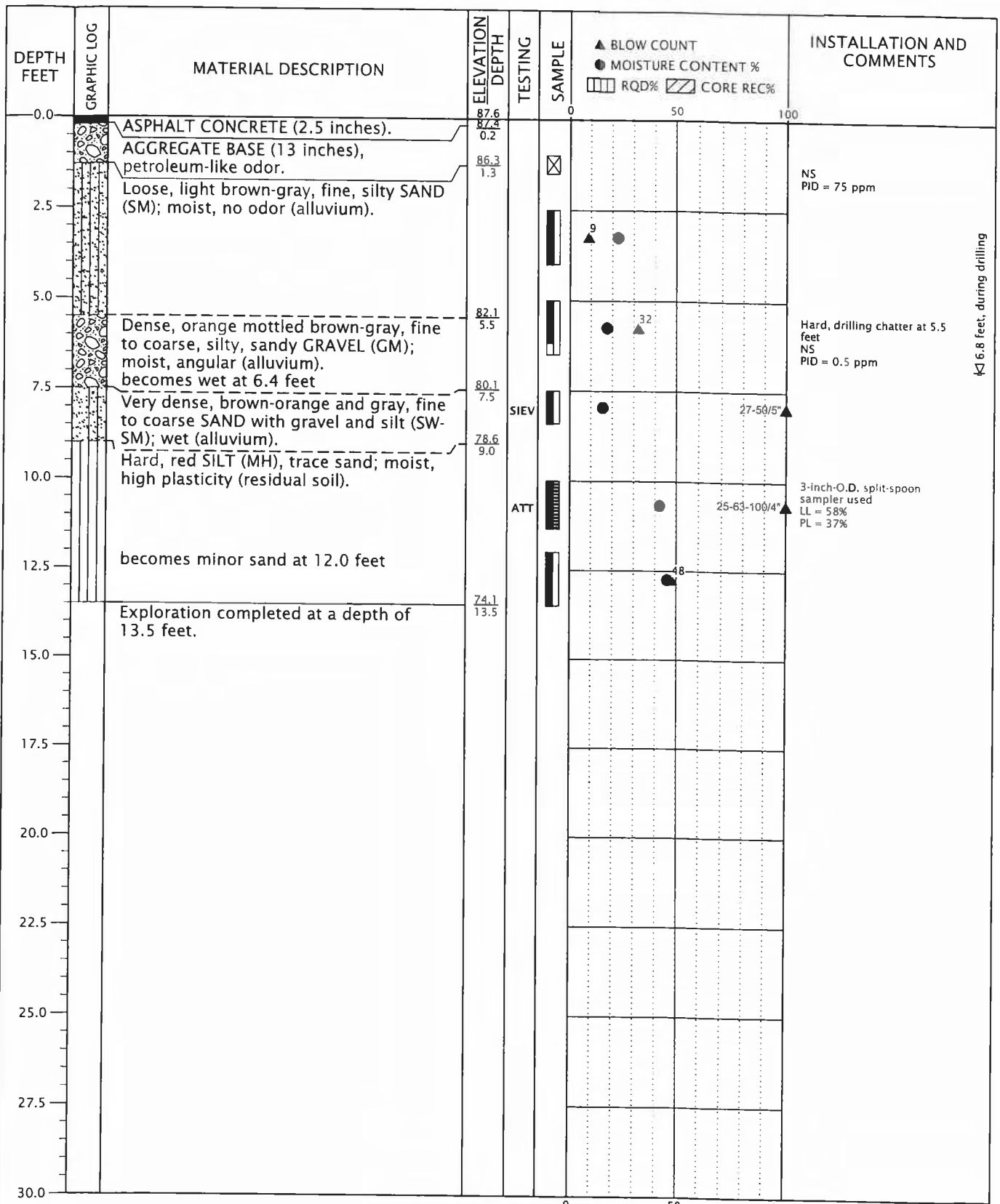
**BORING MA-2**

MARCH 2011

LAKE OSWEGO RAW WATER PIPELINE  
 CLACKAMAS COUNTY, OR

**FIGURE A-18**

BORING LOG BROWNCALD-49-05-01-MASTER.GPJ GEODESIGN.GDT PRINT DATE: 3/16/11:KT



K1 6.8 feet, during drilling

DRILLED BY: Western States Soil Conservation, Inc.      LOGGED BY: NAK      COMPLETED: 07/29/10

BORING METHOD: hollow-stem auger (see report text)      BORING BIT DIAMETER: 8-inch

 15575 SW Sequoia Parkway - Suite 100 Portland OR 97224 Off 503.968.8787 Fax 503.968.3068	BROWNCALD-49-05-01	BORING MA-3	
	MARCH 2011	LAKE OSWEGO RAW WATER PIPELINE CLACKAMAS COUNTY, OR	FIGURE A-19



BORING LOG BROWNCALD-49-05-01-MASTER.GPJ GEODESIGN.GDT PRINT DATE: 3/16/11:KT

DEPTH FEET	GRAPHIC LOG	MATERIAL DESCRIPTION	ELEVATION DEPTH	TESTING	SAMPLE	INSTALLATION AND COMMENTS
0.0		ASPHALT CONCRETE (4 inches).	128.8			
0.3		AGGREGATE BASE (6 inches).	128.5			
2.5		Soft to medium stiff, gray-brown SILT (ML), trace sand; moist low plasticity (alluvium). becomes medium stiff, with sand at 2.5 feet	128.0		4	
5.0		becomes with sand to sandy at 5.0 feet	0.8		6	
7.5		becomes minor sand, trace clay at 7.5 feet		DD	5	
10.0		becomes soft to medium stiff, with sand at 10.0 feet		ATT	10	Dames & Moore sampler used DD = 85 pcf
11.5		becomes brown, fine, sandy at 11.5 feet		P200	4	LL = 39% PL = 29%
13.5		Exploration completed at a depth of 13.5 feet.	115.3		4	P200 = 67%
15.0			13.5			
17.5						
20.0						
22.5						
25.0						
27.5						
30.0						

DRILLED BY: Western States Soil Conservation, Inc.

LOGGED BY: NAK

COMPLETED: 07/21/10

BORING METHOD: hollow-stem auger (see report text)

BORING BIT DIAMETER: 8-inch



15575 SW Sequoia Parkway - Suite 100  
Portland OR 97224  
Off 503.968.8787 Fax 503.968.3068

BROWNCALD-49-05-01

BORING MA-4

MARCH 2011

LAKE OSWEGO RAW WATER PIPELINE  
CLACKAMAS COUNTY, OR

FIGURE A-20

## Pelz, Zach

---

**From:** Pelz, Zach  
**Sent:** Wednesday, October 24, 2012 11:39 AM  
**To:** Sonnen, John  
**Subject:** RE: Questions regarding the LO project

John,

Below are responses to Commissioner Frank's questions. Please let me know if you have any additional questions or follow-up.

Zach

**From:** Sonnen, John  
**Sent:** Tuesday, October 23, 2012 3:09 PM  
**To:** Pelz, Zach  
**Subject:** FW: Questions regarding the LO project

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:** Thomas Frank [mailto:mail@thomasafrank.com]  
**Sent:** Tuesday, October 23, 2012 2:50 PM  
**To:** Sonnen, John  
**Subject:** Re: Questions regarding the LO project

John,

Here are some questions:

- 1) **What other sources of water does West Linn have available for back up / emergency use?**
  - a. West Linn's primary source of water is from the South Fork Water Board water treatment plant in Oregon City. Emergency supply is available from the City of Lake Oswego. The North Clackamas County Water Commission is also able to supply water to West Linn during an emergency that does not impact the supply line suspended from the Abernethy Bridge.
- 2) **What codes apply to fencing and fence screening?**
  - a. CDC Chapter 44 applies to fencing.
- 3) **What is the current size of the RWP and FWP that serve the WTP?**
  - a. The existing RWP transmitting water to the Lake Oswego WTP is 27-inches. The FWP from the WTP is 24-inches.

**4) Why is LOTP classified as a major utility? Are there other examples of companies being classified as this and not serving our citizens?**

- a. CDC Chapter 2.030 defines major utilities as:

*A utility facility or service that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects. "Major utility" includes, but is not limited to, a substation, pump station, water storage tank, sewer plant, transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.*

Because a water treatment plant is similar to a sewer plant (enumerated in the list of facilities above) in terms of impacts and operation and because Major Utilities can include uses similar to those listed in the definition, the Water Treatment Plant has been classified as a Major Utility.

The City has no institutional memory of reviewing another Major Utility that did not provide service to our citizens. For the record, our intertie with Lake Oswego's system does serve as an emergency backup for our citizens and is identified as such in our Water System Master Plan. Also, the City has reviewed and approved upgrades/expansions to the WTP on a few occasions.

**5) Any CDC or other code that address flood risk from a project?**

- a. CDC Chapter 27 address management for flood prone areas. These criteria are responded to in the staff report for CUP-12-04 on pp. 42-45.

**6) What City or planning code that address utility line separation within the right way (specifically sewer pipes).**

- a. Public Works Standards Section 4.0023, Water: Separation with sewer lines. Also Section 3.0023, Sanitary Sewer: Separation with Water Lines. These standards incorporate the separation requirements from Oregon Administrative Rule Chapter 333-061-0050(9) (pages 57-82 – subsection (9) begins on page 79 – of testimony in staff report for CUP-12-04), Crossings-Sanitary sewers and water lines.

**7) Is WL paying for any of the water pipe replacement due to size increase from 6" to 8"?**

- a. West Linn is currently scheduled to pay for 1000-feet of the 3,000-foot total asbestos-cement line replacement on Mapleton Dr.

**8) What are the current school bus routes on Mapleton?**

- a. School buses do not currently travel along Mapleton Drive. I spoke with the school district yesterday and they report that bus access along Mapleton Drive is not provided due to the difficulty in negotiating the intersection of Nixon Ave. and Mapleton Dr. The nearest school bus stop is at the intersection of Hwy 43 and Cedar Oak Dr .

**9) Is there a % for the arts that will be paid?**

- a. No. The percent for the arts program is for City of West Linn initiated or sponsored projects.

On Oct 19, 2012, at 1:26 PM, "Sonnen, John" <[JSONNEN@westlinnoregon.gov](mailto:JSONNEN@westlinnoregon.gov)> wrote:

Hi. Thanks for having two, long, back to back meetings. If you have questions as you consider the testimony please email them to me and we will get response before your next meeting. Enjoy the weekend.

John

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

<imagebcef05.gif@69c97792.b7314d43>

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.

Testimony to the City of West Linn Planning Commission, October 25, 2012, regarding CUP-12-04/DR 12-14 (water transmission line)

I am opposed to CUP-12-04 and its related application, CUP-12-02.

If the Planning Commission approves application CUP-12-04, I request that the following conditions be added to the approval:

1. Flaggers must be provided at the Nixon/Mapleton intersection whenever that intersection is part of any proposed detour due to closure of Mapleton Drive. In the portion of CUP-12-04 entitled "West Linn Land Use Application Traffic Memorandum" dated June 18, 2012, from DKS, page 16 of 22 (attached) subtitled "Mapleton Drive Traffic Control Plan" and Figure 12 (attached) indicate Nixon/Mapleton would be used during full closure of Mapleton during construction hours. This intersection is essentially one lane and blind for southbound Nixon traffic due to an extreme right-hand turn which requires using the oncoming traffic lanes on both streets, extreme elevation change for right-hand and left-hand turns, and a blind curve on eastbound Mapleton Drive just west of the intersection. During an October 10, 2012 meeting with Pete Oveson from Brown and Caldwell, we learned that a traffic engineer had recommended stop signs, although I cannot find that recommendation in the application and supplementary materials. I do not believe stop signs would be enough since southbound Nixon traffic cannot adequately see Mapleton traffic. Furthermore, due to the extreme turns and elevation changes, vehicles with trailers or large vehicles may not even be able to complete the turn in one attempt, requiring backing up which would need flaggers. This is an optional intersection for the neighborhood when Mapleton is open. When forced to use this as the only ingress and egress it is a dangerous situation for vehicles, bicycles and pedestrians, and needs to be controlled with flaggers.
2. Residents in close proximity to the HDD location at the end of Mapleton MUST be relocated during the continuous pullback of the pipe under the Willamette or other times when continuous noise levels at the residents' homes exceeds 70 decibels. This was also discussed with Pete Oveson on October 10<sup>th</sup>, but I only find a written reference which states the project owner "could" or "potentially" offer to move residents temporarily. (Please see pages 4, 5, 7 and 8 of "Noise Study and Summary of Potential Noise Mitigation for Willamette Boring Entrance Activities," provided within CUP-12-04 application by Environ dated June 18, 2012, also attached to this testimony.)

Gwen Sieben  
4950 Mapleton Drive

to: Zach Pelz.

Please include this testimony as part of tonight's testimony. Copies for each commissioner are included.

**Table 2. RWP and FWP Truck Trip Volume by Work Area <sup>(1)</sup>**

Phase	Truck Trips per Hour <sup>(2)</sup>	Typical Work Hours	Anticipated Start Date	Anticipated End Date
HDD construction (via Mapleton Drive) – Normal Operation	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – Pullback Operation	6	NA <sup>(3)</sup>	NA <sup>(3)</sup>	NA <sup>(3)</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>(1)</sup> Additional truck volume will result from WTP construction activities which are not included in this table

<sup>(2)</sup> All reported truck trips are one-way trips

<sup>(3)</sup> HDD pullback operation will occur within one day. Refer to the Construction Management Plan for a detailed discussion of the HDD pullback operation

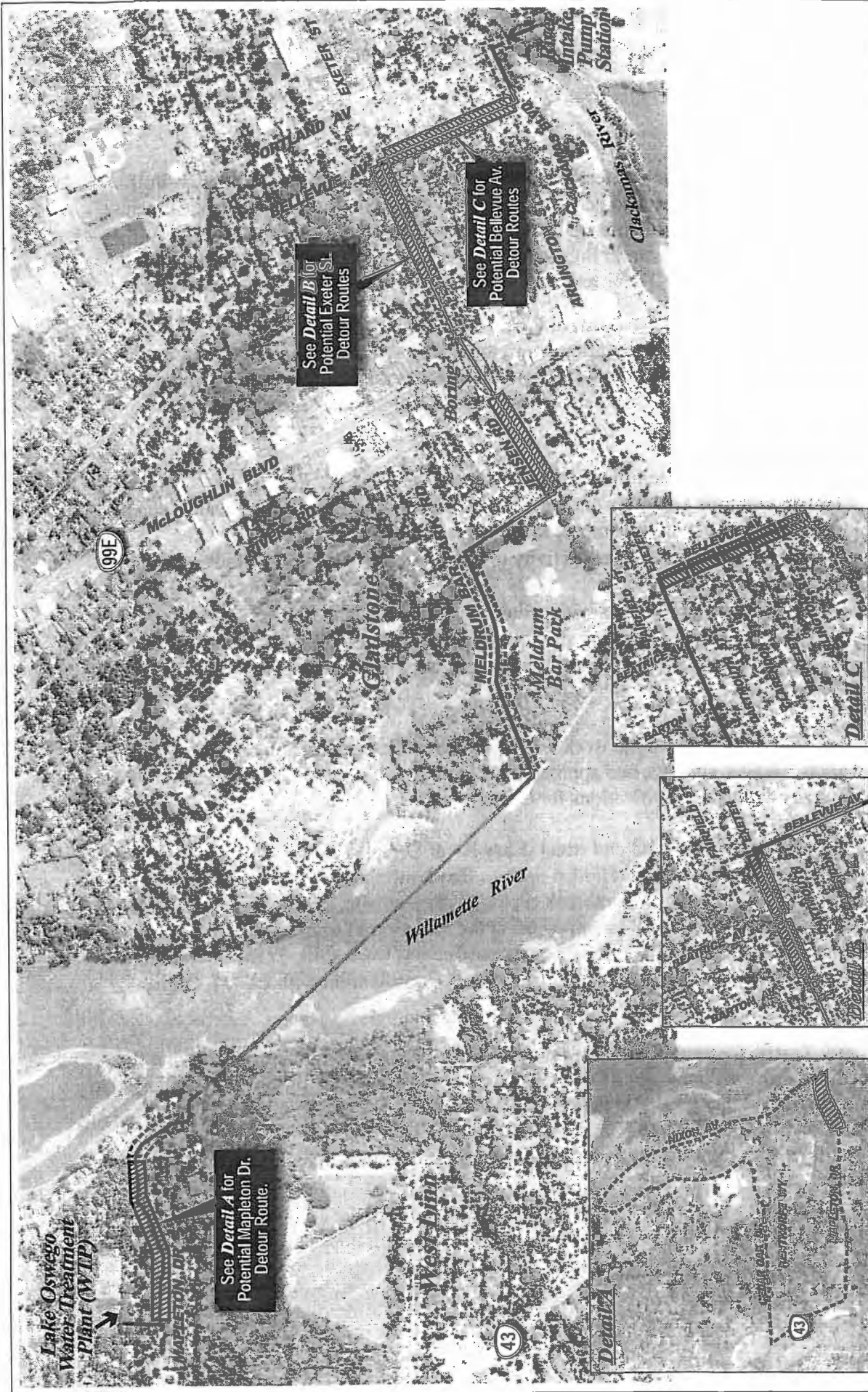
OR43 to Stafford Road

Traffic to the construction site will be routed from I-205 to OR43 northbound to the construction area on OR43 or Mapleton Drive. In an effort to minimize the potential for construction traffic backups on Mapleton Drive and OR43, left turns at the unsignalized intersection of Mapleton and OR43 will be prohibited for all construction related traffic. This left turn restriction will apply to construction traffic entering Mapleton Drive from OR43 and traffic exiting Mapleton Drive onto OR43. Construction traffic from the site will be routed from the construction area on OR43 or Mapleton Drive via OR43 northbound to McVey Avenue and then Stafford Road to I-205. This haul route is shown in Figure 11.

Truck traffic will utilize both haul routes described above depending on coordination and construction activities. Truck movements entering and exiting Mapleton Drive at OR43 will be restricted to right turns only to minimize impacts to local residents and the surrounding transportation network. The maximum truck trip volume noted in Table 2 of six one-way trips per hour would have negligible impact on vehicle delays and queues along Mapleton Road, Cedar Oaks Drive and OR43.

**Mapleton Drive Traffic Control Plan**

Full roadway closures will be needed between the Lake Oswego Water Plant and Nixon Avenue during construction work hours. The Mapleton Drive roadway will be open and cleared of construction equipment and materials outside of construction work hours. During construction work hours, an alternative detour route will be provided for through traffic. A potential detour route is shown in Figure 12. East of Nixon Avenue, single-lane closures with



Details are Not to Scale

**LEGEND**

- Schedule 1 South - Willamette River Crossing Alignment to River Intake Pump Station
- Schedule 1 North - Lake Oswego Water Treatment Plan (WTP) to Willamette River Crossing Alignment
- Schedule 2 - Willamette River Crossing Alignment
- Full Roadway Closure (focal access only, emergency vehicle access at all times)
- Single Lane Closures with Flaggers
- Potential Detour Route

**DKS Associates**  
TRANSPORTATION SOLUTIONS



**Figure 12**

**Proposed  
Traffic Control Strategies  
RWP Schedules 1 & 2**



muck buckets/dumpsters (and possibly HDPE dump truck beds) to reduce the sound of rock-on-metal impact noise.

- If a crane is used instead of a quieter truck hoist, equip the crane with a "residential" or "critical" grade silencer on the exhaust and ensure all doors to engines be kept intact and closed. This could achieve approximately 5-dBA of noise reduction from the crane.
- Using acoustical blankets, pads, and/or boards to control metal-on-metal clanging noise that can occur while picking up drill pipe or casing and setting on racks; moving the drill pipe or casing from pipe racks, and making up the drill pipe or casing.
- Where feasible, any additional generators, engines, and pumps not identified in **Table 1** should be specified as having a sound level of 85 dBA or less at 3 feet. This level of control would likely require the equipment be provided or housed in enclosures, that the enclosure doors be kept closed during operation, and also could necessitate use of "residential" or "critical" grade stack silencers. Where this is not feasible, or where additional noise reduction is warranted, use portable noise barriers around smaller pieces of equipment (e.g., pumps, generators).
- Give advance notice to nearby residents of the time periods when particularly noisy work will be occurring. Particularly noisy work could include the installation of the conductor casing and installation of a "deadman" anchor. Installation of the conductor casing is expected to be the noisiest short-term activity and would entail use of a pneumatic hammer. The crew would drive the casing with the hammer for one hour and then weld for six hours. The casing installation is expected to take up to three days.
- Notify the public of upcoming nighttime construction activities (e.g., pullback).
- Potentially offer to relocate the nearest residents during nights when construction activities would occur (e.g., during pullback) or during days with particularly noisy daytime activities (e.g., casing installation).
- Install broadband, ambient-sensing backup alarms on all on-site equipment requiring backup indicators.

### **Modeled Sound Levels With Noise Mitigation**

**Constant Noise Sources** – With the first two mitigation measures identified above, the model-calculated sound levels of constant noise sources at the three nearest residences north of the portal site range from 55 to 61 dBA, a reduction of 7 to 9 dBA from the levels modeled with no mitigation. This reduction is primarily due to the 16-foot tall perimeter noise wall.

With the same two mitigation measures as above, the model-calculated levels at the two nearest residences west of the portal site range from 58 to 66 dBA, a reduction of 3 dBA from the levels modeled with no mitigation. The mitigation is less effective at locations west of the portal site because the primary noise source is the SSP, and the perimeter noise wall would not be effective at reducing the levels of the SSP west of the site.

With the proposed layout, a noise wall just west of the SSP would not be possible, due to the need for regular access with a small excavator to empty the muck buckets located on the west side of the SSP. The SSP would have to be moved to an alternate location (e.g., onto West Linn's pump station site) in order to be able to more effectively mitigate the noise from it (i.e., construct a noise wall on the west side of it). Relocating the SSP was *not* considered in this assessment because it is uncertain if it is a feasible option. If the City requested this option be considered and it was deemed feasible, however, ENVIRON would recommend relocating the



SSP to the West Linn pump station site to allow for effective noise mitigation to be implemented for this source.

**Short-term/Intermittent Noise Sources** – Construction of a 16-foot high perimeter noise wall and installation of a silencer on the crane's exhaust stack would reduce noise from the intermittent sources.

At residences north of the portal site with the mitigation identified above, the model-calculated sound levels of the crane range from 51 to 60 dBA and of the vector truck range from 62 to 68 dBA. The model-calculated reductions in crane noise levels exceed 10 dBA with the mitigation identified, which would be considered a substantial reduction. The reductions in vector noise, would range from 5 to 6 dBA, a noticeable reduction in noise.

At residences west of the portal site, the model-calculated sound levels of the crane range from 56 to 62 dBA, a reduction of 5 dBA due to the installation of an exhaust stack silencer. The perimeter wall is not effective at reducing this source at receivers on the hillside west of the site. Model-calculated levels of the vector truck range from 65 to 72 dBA, a moderate reduction of 3 to 4 dBA due to the perimeter wall.

**Pullback Noise Sources** – Sound levels during pullback, with implementation of the mitigation measures identified above, would be virtually the same as identified for constant noise sources. However, pullback activities would occur during both daytime and nighttime hours over a period of one or two days. To reduce the potential for sleep disturbance, the project owner could offer to temporarily move the nearest residents to a hotel during this activity.

### Highway 43 Nighttime Construction Noise

As part of the project, pipe will need to be installed in Highway 43. This activity will be conducted during nighttime hours (i.e., between 8 PM and 5 AM) to avoid conflicts with traffic on the state highway.

Equipment expected to be used as part of the nighttime construction includes the following:

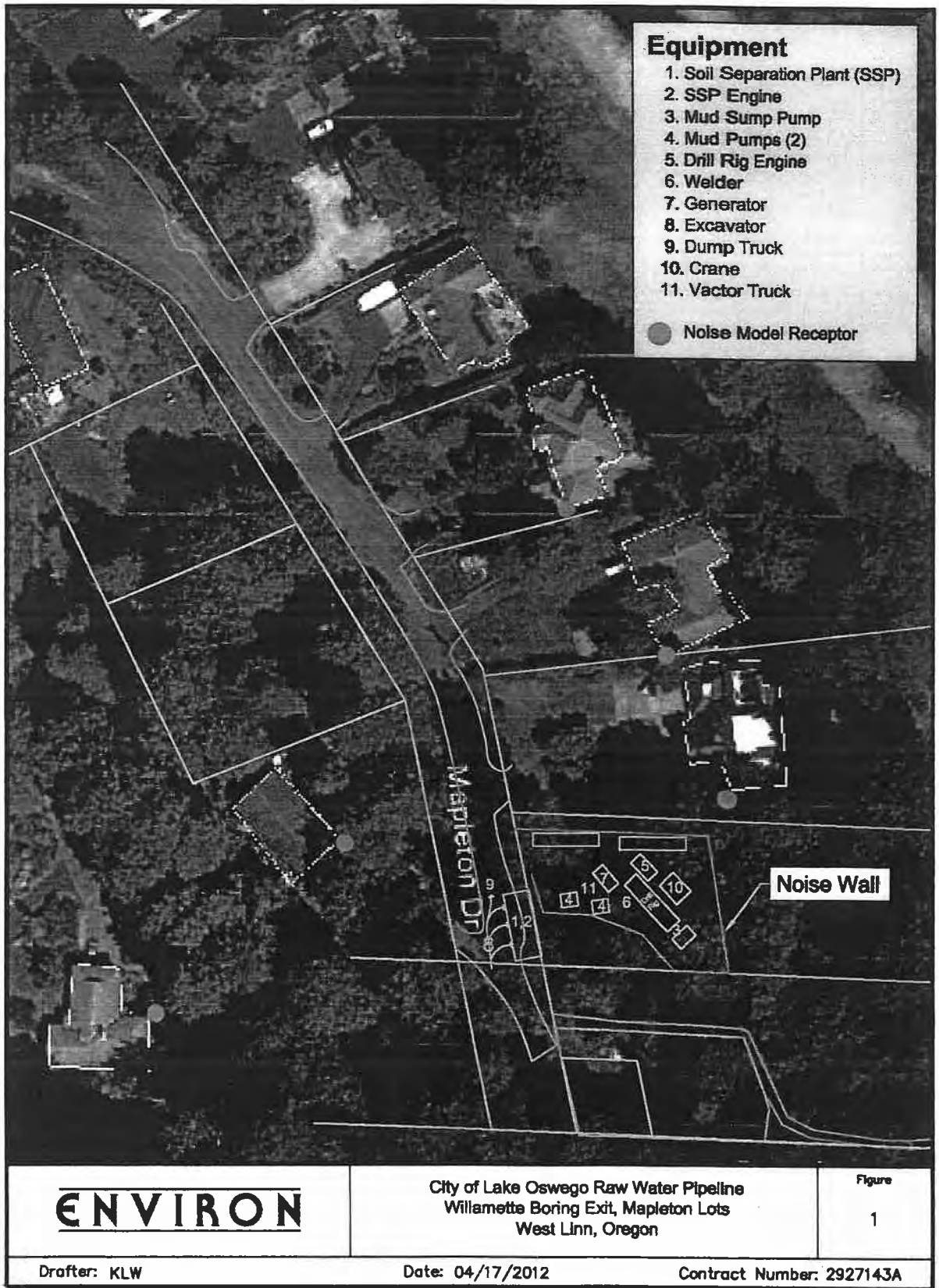
- Excavator with backup alarms
- Jackhammer (if necessary to remove remnant concrete panels)
- Dump truck with backup alarms
- Welder
- Compactor with backup alarms
- Paver with backup alarms
- Generator
- Compressor
- Construction Lighting (with generators)

The equipment identified above would not all operate simultaneously. For example, the excavator would first dig a trench and fill a waiting dump truck. If necessary, a jackhammer might occasionally be needed to break up remnants of old concrete panels under the asphalt. Next, the excavator would lift and place the pipe in the open trench, which would then be welded. Finally, a compactor and paver would be used to repave the highway. A generator, compressor, and construction lights also might need to run fairly continuously throughout much of the construction. These activities and equipment would advance approximately 50 to 100 feet along the highway during each night of construction.

**Typical Sound Levels in the Environment and Industry**

Thresholds/ Noise Sources	Noise Level (dBA)	Subjective Evaluations	Possible Effects on Humans
Human Threshold of Pain Carrier jet takeoff (50 ft)	140	Deafening	Continuous exposure to levels above 70 can cause hearing loss in majority of population
Siren (100 ft) Loud rock band	130		
Jet takeoff (200 ft) Auto horn (3 ft)	120		
Chain saw Noisy snowmobile	110		
Lawn mower (3 ft) Noisy motorcycle (50 feet)	100	Very Loud	Speech Interference
Heavy truck (50 feet)	90		
Pneumatic drill (50 feet) Busy urban street, daytime	80	Loud	Sleep Interference
Normal automobile at 50 mph Vacuum cleaner (3 ft)	70	Moderate	
Large air conditioning unit (20 feet) Conversation (3 feet)	60		
Quiet residential area Light auto traffic (100 ft)	50	Faint	
Library Quiet home	40		
Soft whisper	30	Very Faint	
Slight rustling of leaves	20		
Broadcasting Studio	10		
Threshold of Human Hearing	0		

Note that both the subjective evaluations and the physiological responses are continuous without true threshold boundaries. Consequently, there are overlaps among categories of response that depend on the sensitivity of the noise receivers.



Dear Commissioners:

This process has been awe inspiring as has your patience. I have been involved with several planning processes and never have I heard such a coherent and clear message from a community.

I am withdrawing any support for the waterline and plant expansion included in my original testimony. Listening to the testimonies of others has convinced me that approval would be wrong on technical, procedural, legal and moral grounds. As much as a Willamette River Crossing with a seismically rated waterline will benefit the region, it cannot be done at the cost of the local community.

I would like to clarify a point from the perspective I've gained as a member of the West Linn Utility Advisory Board who is familiar with our Master Plan and as a professional civil engineer who has worked on many water systems throughout the Portland Metropolitan Area.

I mentioned during my testimony that the claimed benefit of credit for a redundant water system was not part of the Master Plan for West Linn. I have verified it is not on the Master Plan list. A copy of the Master Plan Project list is attached and a project of this ilk is not on it. Our current Water Line on the 205 bridge was updated to current seismic standards in 2001. There is no identified need for a redundant water line and it is my opinion there never will be. First a redundant line is not and never will be needed for capacity. 2<sup>nd</sup> the stated cost far exceeds any foreseeable emergency repair. 3<sup>rd</sup> we already have a redundant line with the existing LO line and the IGA, so at best, that would be a greatly discounted benefit. 4<sup>th</sup> we would never agree to a one million dollar capital improvement with a life span of only 30 years, much less one for \$11 million. Any claim of benefit in support of our Water Master Plan is false.

This is an example of how desperate the LOTWP is to fabricate benefits which do not exist. Like many of their claims it does not stand up to scrutiny as being a benefit worthy of justifying the costs. I will repeat what I stated earlier that this plan is not in compliance with the city's Water Master Plan and cannot be approved or justified in any way based on the Water Master Plan. Furthermore, our Water Master Plan will be improved with unasked for benefits ONLY if permanent access for emergency water supply is provided by LOTWP.

You have heard testimony as to the original plant approval and how it was approved only over the recommended denial of both Staff and the County Planning Commission in 1967. I am assuming this is correct and accurate information which I hope you study closely. I would like to point out that previously this plant was a LOCAL water plant serving at the time the local community of Lake Oswego. It is now proposed to become a REGIONAL facility. I sincerely doubt that the Clackamas County Commissioners had in mind serving Washington County with this Water Plant in their original approval. It should be clear that this new plant is INCOMPATIBLE and should not be approved. Much like a nuclear plant, a water plant of this size with supporting infrastructure has been demonstrated by those in the neighborhood and the applicant as being incompatible. I do not think construction, which the applicant has stated, might require relocation of residents to hotels, can ever be declared compatible with the neighborhood.

I recommend the Commission speedily deny the application as an incompatible use and therefore not meeting the Comprehensive Plan Requirements. If the incompatibility finding cannot be supported the current application should be denied as not in compliance with our Community Development Code as not providing the benefits to the community as claimed by the applicant. Legally I do not believe the Planning Commission should even hear the case when clearly the application violates the current law as demonstrated by the ongoing lawsuit of LOTWP to overturn the legally established CC&Rs. Until the lawsuit is settled this may be wasted effort. Furthermore, the issue of sovereignty should also make the application a moot point as Lake Oswego should have no claim of eminent domain in the City of West Linn. I hope that the Commissioners question the applicant closely as to the legality of the project and obtain Legal Counsel as to that legality.

Finally, I believe the Commission has the moral duty to turn down the application. You have heard plenty of testimony from the neighborhood about the impacts, lack of benefits, and the lack of integrity on the part of the LOTWP. LOTWP cannot even demonstrate a good faith effort to find alternatives and has offered NOTHING that was not extracted by code. Their Good Neighbor Plan was a joke from Day 1 and was why I withdrew from any interaction with the efforts over a year ago.

Michael Monical, PE  
18735 Nixon Ave  
West Linn



submitted  
11/25/2012  
24

My name is Yvonne Davis. I live at 4226 Mapleton Drive.

The safety of Mapleton is critical to me and my family. I wanted to see for myself just how the heavy equipment is going to affect our street, so I broke out the numbers that LOT provided in their construction management plans. I really wanted to know how often heavy duty diesel trucks would traverse Mapleton and Kenthorpe, and how many trips in total. What I learned is very disturbing.

Please look at the spreadsheet included with my written testimony.

CDC 60.090 A(2) states that: *"the project design is compatible with abutting land uses in regard to noise generation and **public safety** and is consistent with applicable zoning and development standards and criteria for the abutting property."* Clearly, endangering school children is a gross violation of this code.

Thus far, my testimony has centered on safety and the intrusive nature of this project. But that's not my only objection. This is also a health and environmental nightmare. We are about to experience more than 75,000 trips immediately around our homes by heavy duty diesel vehicles.

Goal 6 of the Comprehensive Plan is titled: "Air, Water, and Land Resources Quality". It reads: *"The quality of the area's air, water, and land resources have (sic) a considerable impact on overall livability. Only through careful preservation and management of these resources will West Linn assure a healthy environment for all its residents."*

Section 1: states, *"The primary source of air pollution within the City of West Linn is automobile and truck emissions. At this time there are no known major single point sources of air pollution in the City. However, it is important to be aware of existing or future industrial facilities, which could be major point sources."*

Based off of the applicant's own truck trip figures there will over 75,000 truck trips around our homes, school and businesses. The average heavy duty diesel vehicle emits 15 to 20 times more particulates per mass unit of fuel than the average light duty vehicle. The addition of this truck and heavy equipment traffic to our city will undeniably have a huge negative impact on the quality of our air, and Staff has ignored the issue altogether.

I would suggest the project also violates CDC 60.090A (3): *"Project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available."*

It has been stated many times, but bears repeating: LOT's claim to have explored alternative sites is not credible. Robinwood has been in their crosshairs from day one. Surely there are other sites with fewer impacts available to a city with Lake Oswego's resources. This is yet another violation of our own development standards.

When I lived in Berkeley, there was a bumper sticker seen about town: "If you're not outraged, you're not paying attention". Well, the LOT partnership is hoping you are not paying attention.

The people who live in Robinwood have no choice of paying attention or not. We are already living with disruptions to our daily lives brought about by this project. We are spending thousands of dollars defending ourselves against a lawsuit to condemn our property rights. We are devoting countless hours to convincing our own city to stand up for the interests of its taxpayers. We are losing sleep, contemplating what is about to happen to our neighborhood. We are angry, and we are scared. We feel abandoned by the City. We are outraged.

Commissioners, I ask you, please send a message to Lake Oswego: "We are paying attention. And we will not allow you to destroy a beloved neighborhood simply because it is the expedient thing for your goals. We've got Robinwood's back".

Please deny this application.



Table 14A-1. Construction Traffic Estimates

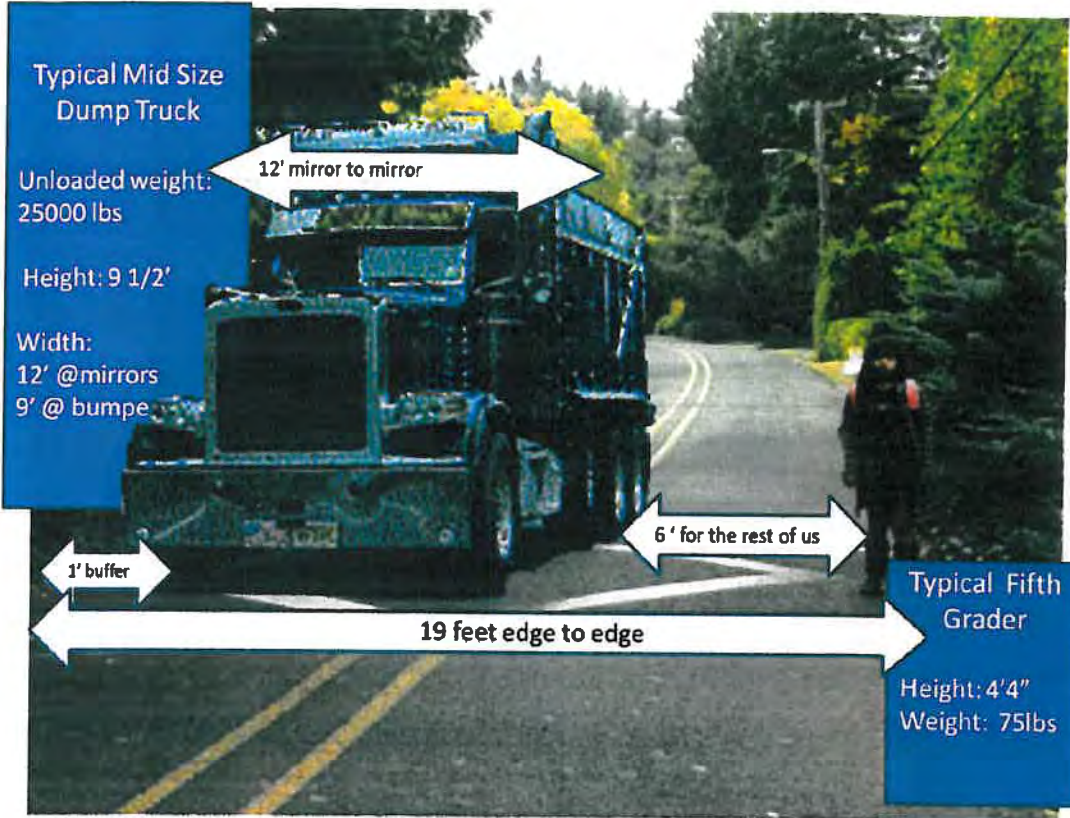
WATER TREATMENT PLANT - CONSTRUCTION TRAFFIC ESTIMATES	
<b>Average Traffic Volume over 32 Month Construction Period</b>	<b>Average Hourly Trips</b>
Truck trips (1)	3.5
Workforce trips (during commute hours) (2)	21.9
Average hourly trips (during commute hours) (3)	25.4
<b>Peak 12 Month Trip Volume</b>	<b>Peak 12 Month Hourly Trips</b>
Truck trips (1)	6.3
Workforce trips (during commute hours) (2)	29.3
Average hourly trips (during commute hours) (3)	35.5
<b>Peak 3 Month Trip Volume</b>	<b>Peak 3 Month Hourly Trips</b>
Truck Trips (1)	9.8
Workforce trips (during commute hours) (2)	25.0
Average Hourly Trips (during commute hours) (3)	34.8
<b>Notes:</b>	
(1) Hourly truck trips are based on daily truck trips per day spread over an 8 hour work period.	
(2) Workforce trips (commutes to / from the site) occur during A.M. and P.M. commute periods assumed as follows: - A.M. commute hour: 6:00 a.m. to 7:00 a.m. - P.M. commute hour: 4:00 p.m. to 5:00 p.m.	
(3) Highest construction traffic volume occurs during A.M. and P.M. workforce commute hours.	
<b>Trip Dateline Information:</b>	
A. Peak 12 month truck trip volume occurs during months 2 through 13.	
B. Peak 12 months of workforce trip volume occurs during months 10 through 21.	
C. Peak 3 months of truck and workforce trip volume occurs during months 9 through 11.	
D. See Figure 14A-1 - "WTP Construction	

Below from P 11 Pipeline Construction Plan

Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips).<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.



**Typical Mid Size  
Dump Truck**

Unloaded weight:  
25000 lbs

Height: 9 1/2'

Width:  
12' @mirrors  
9' @ bumper

12' mirror to mirror

1' buffer

6' for the rest of us

19 feet edge to edge

**Typical Fifth  
Grader**

Height: 4'4"  
Weight: 75lbs

WTP and Pipeline Truck Trips Combined															
Phase	Round trips per hour	One Way per hour	Typical Work Hours	Hours per work day	One Way Trips per Work Day	Frequency in Minutes	Duration in Months	Start Date	End Date *	Days Duration (Assuming First to First)	Days Duration (Assuming First to Last)	Total Trips (First to First)	Total Trips (First to Last)		
1. WTP demolition and excavation - average over 32 months		3.5	M-F: 7 am - 7 pm / Sat :9 am -5 pm	11.5	40.25	17.5 min	32	6/1/2013	1/31/2016		834	33,569	33,569	Grey background fields came from LOT documents. White background are extrapolations. Lots of assumptions built in. The numbers come from table 14-A-1 in Construction Management Plan . Assumed a work day of 11.5 hours day 6 days a week (Saturdays are only 9 hour days). A 32 month construction window. For this portion half are running down Mapleton, half Kenthorpe/Old River Road/Cedar oak. Just think about it, for 32 months a truck will be running out of our neighborhood every 17 minutes. This is the average, spread out evenly over the construction period. It gets progressively worse as you look at peak periods.	
2. WTP demolition and excavation - peak 12 month		6.3		11.5	72.45	9.5 min	12	7/1/2013	6/30/2014		313			Every 9.5 minutes, we will see a dump truck on Mapleton or Kenthorpe and Highway 43. This will run through the entire 2013-2014 academic year. Please look at the photo below. This is a composite showing a typical mid size dump truck on Mapleton. I don't know if it is exactly what we will be seeing, but it serves illustrative purposes here. The dimensions come from a Peterbuilt specification. At this point the road is 19 feet from edge to edge. A typical mid size dump truck is 12 feet from mirror edge to mirror edge. Assuming a 1 foot buffer on the road margin, all other traffic, including bikes and pedestrians has 6 feet to maneuver. This is not the widest spot on Mapleton. But it's also not the narrowest. I am sure I will not be the only parent who no longer allows their child to walk on Mapleton. An average walk the length of Mapleton takes about 15 minutes, so chances are good that any walk we take we will encounter a dump truck.	
3. WTP demolition and excavation - peak 3 month		9.8		11.5	112.7	6 min	3	2/1/2014	4/30/2014		78			During this peak 3 month period a truck will run down Mapleton every 12 minutes, and also one will run down Kenthorpe every 12 minutes.	
														For the RWP and FWP portion I used Table 3. RWP and FWP Truck Trip Volume by Phase . Taking the round trips per hour, twelve hour work day and construction window, I extrapolated trips per day, frequency and total trip by phase. I have two totals for each phase depending on when work completes - the first or last day of month.	
4. HDD construction (via Mapleton) - normal	2	4	7 am - 7 pm (12)	12	48	15 min (4 min)	7 or 8	3/1/2014	10/1/2014		187	212	8,976	10,176	This phase is scheduled to start while the preceding phase of peak demolition at the plant is still on. If things go as scheduled, we'll be seeing truck loaded up from the plant every 6 minutes until the end of April. Starting in March, we'll be adding one more truck every 15 minutes for the pipeline. So, instead of almost 10 trucks an hour, for two months, we will be seeing almost 14 an hour on Mapleton and Kenthorpe. Presumably even the LOT people see that this is a problem, so probably during this period all the WTP trucks will run on Kenthorpe (so they get closer to 9.8 an hour). And Mapleton will get the 4 for the HDD work, plus whatever Kenthorpe can't handle for the WTP.
5. HDD construction (via Mapleton) - pullback	6	12	24-48 hours	24	288 - 576	5	NA	NA	NA	2	2	288	576	Every 5 minutes for up 48 hours straight, a truck will be lumbering up or down Mapleton and on through town. This could be at 3:00 am when most of us are trying to sleep, or 3:00 pm when the bus drops off the primary school kids.	
6. Open-cut construction on Mapleton	6	12	7 am - 7 pm (12)	12	144	5	4 or 5	11/1/2014	3/1/2015		105	131	15,120	18,864	Not only will we have a heavy truck drive by every 5 minutes for 4 -5 months, but we will also have a narrowed road and limited access to our homes. This will be happening during the rainy season. And it will be dark when the work starts each day, and dark when it finishes.
7. Open-cut construction on 43 (5 month duration)**	8	16	8 pm - 5 am (9)	9	144	3.75	5	6/1/2014	8/1/2015		130	130	18,720	18,720	For the duration, the people who live on or near Highway 43 will have trucks coming and going every 3 minutes and 45 seconds. Anyone who wants to sell their home then, or lease out a nearby apartment will be out of luck. Night businesses will suffer when patrons avoid the area. Light sleepers will probably go ballistic.
												43,104	48,336	<b>Total RWP and FWP truck trips</b>	
												33,569	33,569	<b>Total WTP truck trips</b>	
												76,673	81,905	<b>Grand total one way truck trips</b>	
														Thus far, my testimony has centered on the safety of our streets. But this is not just a safety issue. It is also a health and environmental issue. Think about this: We will all experience more than 75,000 trips in and around our homes by heavy duty diesel vehicles.	

## City of West Linn Community Development Code – Exerpts

### 60.060 APPLICATION

A. A conditional use application shall be initiated by the property owner or the owner's authorized agent.

B. A prerequisite to the filing of an application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

C. A prerequisite to the filing of an application is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present his/her proposal and receive comments.

D. An application for a conditional use shall include the completed application form and:

1. A narrative which addresses the approval criteria set forth in CDC 60.070 and which sustains the applicant's burden of proof; and

2. A site plan as provided by CDC 60.080.

One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

E. Names and addresses of all who are property owners of record within 300 feet of the site shall be determined by the Director.

F. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1442, 1999)

-----

### 60.090 ADDITIONAL CRITERIA FOR TRANSPORTATION FACILITIES (TYPE II)

A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted West Linn Transportation System Plan ("TSP") or (2) not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the conditional use and all other applicable provisions of the CDC and satisfaction of all of the following criteria:

1. The project and its design are consistent with West Linn's adopted TSP and consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").

2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.

3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.

4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

5. The project includes provisions for bicycle and pedestrian access and circulation c

**GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY**

The quality of the area's air, water, and land resources have a considerable impact on overall livability. Only through careful preservation and management of these resources will West Linn assure a healthy environment for all its residents.

**SECTION 1: AIR QUALITY**

**BACKGROUND AND FINDINGS**

The primary source of air pollution within the City of West Linn is automobile and truck emissions. At this time (2000), there are no known major single (point) sources of air pollution in the City. However, it is important to be aware of existing or future industrial facilities, which could be major point sources. In addition, residential wood heat, gas powered equipment, use of paints and aerosol products, and sources outside the City limits affect air quality. These sources can contribute to pollution related to ozone (smog), carbon monoxide, asbestos, and particulates. The City of West Linn lies within the Portland Air Quality Maintenance Area (AQMA). Though this area has been a non-attainment area in the past because it exceeded  
onsistent with the comprehensive plan, the requirements of this chapter, and the TSP.

submitted by  
Garry Hilsman  
10/25/2012  
27

Everything I will say relates back to this PLANNING code, the West Linn comprehensive plan, and/or ORS 197. To start, I have proven that this commission cannot trust LOT representatives, city staff, and especially, this West Linn city manager when it comes to enforcing and administrating Oregon planning goals and objectives.

This hearing, and your decision, is a matter of great precedent for planning in the State of Oregon as well as deliberating over an egregious governmental overreach that is harmful to the public welfare of us all, dismissive to businesses in West Linn, and undermines the intent and protections of the Oregon Revised Statutes.

A citizens' rights under ORS 197 to raise the unconstitutional and procedural errors which have prejudiced the **Substantial rights of the petitioner have been censored. The City manager's "facilitation plan" and your actions have placed a cap on what the record might contain.** I, along with the **Neighborhoods and residents** in West Linn, **have been thwarted from a necessary and required "burden of persuasion" for this application.** The West Linn Comprehensive Plan states as a Council Goal [adopted February 5, 2003] to;

**West Linn has failed to "[#2,] actively support and encourage West Linn's neighborhood associations and promote citizen involvement in civic life. (And) establish and maintain policies that give neighborhoods REAL control over their future."**

**The commission shall consider the double jeopardy of petitioners [ORS 197.763(5)c]**

**"that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue."**

**This process has shown (been) an absolute sham; a kangaroo court of planning malfeasance; AND, a total disregard towards [ORS 197.005 Legislative findings] promoting coordinated administration of land uses consistent with comprehensive plans and actions that manage for the best interests of the people within their jurisdictions. [ORS 197.010] Policies regarding overarching principles have been routinely ignored and barred from the public discussion.**

Regardless of the majority opinion of this commission, each commissioner statement and final vote should require an explanation, citing code, that supports their decision. I will use it, or lack thereof, in my appeal to LUBA. I have provided this commission with a checklist that you may address because I was limited in placing all potential findings of fact into the record. Because as I will testify, and as many before me have already done in limited elegance, this application does not meet code or the intent of coordinated planning as defined under our own Comprehensive Plan and ORS 197.

The City of Tigard and Lake Oswego have made this entire process appear convoluted and oppressive. They have been disingenuous from the start and have only made things worse through improper facilitation. The mismanagement from the West Linn City Manager has made it even worse. And our own city council has abandoned us and this commission in actions that can best be defined in one sentence. "Forgive them, they are running for re-election."

The planning and design of this facility has been straight forward. Yet, the findings of fact do not satisfy code and the exceptions requested undermine the public welfare, diminished local property safety and value, misapplies intent of this code, has not been properly vetted, and has already destroyed the community.

Let me be clear. This application is 1.) without merit, 2.) ill conceived, 3.) poorly executed, 4.) without precedent, and 5.) out-of-scale with the location Lake Oswego prefers. The operative word is "prefers". Preference is not an entitlement afforded municipalities under Oregon planning regulations, goals, and objectives. Everything Lake Oswego, Tigard, and the West Linn city manager have done has been an abomination of public stewardship and public outreach to force this Use upon local property owners, many of them elderly. I ask that the commission review this application the same as LUBA will [under ORS 197.835 Scope of Review and Rules.,] especially regarding disputed allegations, unconstitutionality, ex parte contact procedures enacted, procedural irregularities, applying applicable criteria without fail, improperly construing the applicable law, etc.

Please note, in my analysis, "improperly construing" is a hallmark of this city manager and his obliging minions. This facility is a square peg pounded into a round hole; railroaded through behind closed doors and strongly reminiscent of this city manager, and city mayor, destroying an elderly & vulnerable mobile home community in West Linn 7 years ago. Sadly, this application follows a pattern of inappropriate conditional use approvals and planning commission mistakes and travesties.

To help the commission understand the findings I have placed into the record, I have provided you with this abridged commentary regarding this code, Comprehensive Plan objectives, and regulations this application leaves unaddressed or simply does not meet. However, I ask that the record respond to each issue prior to council deliberations. And, should any of the commissioners wish to respond to any of these checklist items, I would appreciate the opinion being placed into the record here, at these hearings. Or, instruct staff to simply "do their job objectively, without prejudice, or city manager pressures to approve this project.

For anyone keeping count, I have stated well over 17 city and state planning violations. To continue;

- ✓ By example **Provided by Lake Oswego, is a photograph of a water infrastructure project** provided to Robinwood by the Lake Oswego communications director Jane Hiesler **as an "appropriate " example of what LO was striving for. However, soon after it was presented, in a written response to the City Planning administrator, Peter Spir, L.O. claimed to not understand what "manifestly superior" meant. Left unanswered, This does not meet this code [CDC 60.060 D.] in "addressing the approval criteria" and sustaining applicant's "burden of proof". MY REQUEST FOR CLARIFICATION AND INTENT TO MEET THE CODE HAS BEEN LEFT UNADDRESSED AND UNANSWERED for over a year.** This application is void of manifestly superior design and requisite coordination.
- ✓ **City staff have also failed to enforce this code; probably because the language revisions of the last 7 years is vague and unenforceable.**
  - So much for comprehensive planning and coordination amongst the varying agencies required to approve this project. The Bland Circle pump station CUP is a good example of this. The commission misfired on this application too. With an unsubstantiated approval of this application by a majority of this commission, a pattern and practice of decision making violating the comprehensive plan will live on in belated infamy.
- ✓ **Clearly, LO feigns ignorance and established their disingenuous approach from the get go. The photograph provided is clearly of "manifest superiority". This is actually a wastewater treatment facility, located in a**



ravine below an upper crust community of residences with larger setbacks than Robinwood has been afforded. See the photos I provide.

✓

✓ It is part of the Lacey-Olympia-Tumwater and Thurston Water District in Washington State, designed through MWA and Brown & Caldwell, and is designed to filter wastewater from the local brewery. The community supported this development.

✓

✓ I know what good design can do for a hopeful conditional use and I know an appropriate approval IF the City acts objectively and capably. Attached are elements of the LOTT wastewater treatment facility that show how the industrial massing was incorporated into the existing community. The commission can see by previous example and firm experience, [CDC 60.760 (1.) b.,] aesthetic design treatment has not been enforced by staff or proposed by the applicant. As one of the over 20 diagrams I have posted demonstrate on my website, the applicant does not mitigate adverse effects on surrounding uses and properties. Chapter 55 is almost completely not satisfied.

✓

✓ This application, and the representation from Lake Oswego, has been, and continues to be; a gross injustice to neighborhood fit; a dismantling of sound planning principals; and destructive towards good neighbor practices and intent. LOT and West Linn staff have insufficiently provided this commission with the burden of proof; instead placing that responsibility on residents in West Linn.

✓

✓ A Robinwood neighbor reported West Linn police were ordered to attend a planning event because Jane Hiesler feared unsubstantiated reprisals from myself and another West Linn resident. The two way dialogue between citizens and City elected and appointed officials has been repeatedly severed. Especially with the draconian Beery memo dictum. The City has also failed to enforce and implement Goal 4 of Goal 1: Citizen Involvement. Actions like this, as well as inappropriate statements from LO project

administrators, have had more to do with intimidation and fear mongering than sound planning practices. This, along with a plethora of previous testimony and written letters, goes against Goal One goals and objectives.

- ✓ The LO project manager lied to the Hidden Springs Neighborhood Association when he stated unequivocally, with a PowerPoint slide, that he did not think this facility was an "industrial use". The commission should review the meeting that was recorded as an example of Lake Oswego's inappropriate representations and other lies. The meeting tape shall be included into the record of this hearing; as I have requested. Dig deeper, and [ORS 197.652] Transparent Collaborative Regional Problem Solving should have been invoked. Instead, we have the pissing contests at our local NA's. Here too the Commission for Citizen Involvement was biased and the West Linn Community Director lack of ethics and reckless duties failed to uphold this code.
- ✓ Association coordinator, Kirsten Wyatt, appears to have mis-performed her obligations regarding this application and comprehensive plan goals and objectives. Indeed, city staff has treated neighborhood associations poorly and the West Linn Community Involvement Program is a joke and sham; misrepresenting the planning process and sound public stewardship practices enforced under the comprehensive plan and ORS 197.
- ✓ CDC Chapter 44 fences is wholly ignored and unaddressed other than to say that the excessive height is required because of recent security concerns. This is not an exception as much as it is a reasonable denial of this application. In fact, this is one example why the outmoded USE is no longer appropriate for a conditional use request! This should have been LO's first clue. Instead, they just ignored reality and thought they would just get an exception by not even talking about it. Not only does the application ignore many aspects of this code; this application is indeed, INCOMPLETE.
- ✓ The requested EXCEPTIONS should not be permitted. This land is NOT, I repeat, NOT, irrevocably committed as described by the LCDC. Many of the

exceptions requested do not meet requirements under ORS 197 Goal Exceptions. [ORS 197.522 states] "a local government may deny an application that is inconsistent with the comprehensive plan AND applicable land use regulations AND that cannot be made consistent through the reasonable conditions of approval.

✓

✓ Things have changed. The assumptions given at the early stages of development are no longer in alignment with the application as it has been submitted a second time. Disregarding the semantics of this FUBARED process at the hands of disingenuous engineers, the public never had an opportunity to address the application as it has been proposed. Look at the original community sketch and assumed parameters, the first submittal, and now this one before us today. This monster is a moving target and Lake Oswego has purposefully made things opaque and impossible to consider.

✓

✓ Applying other code requirements can remedy many of the requests for conditions and exceptions. The City has not fully enforced this code nor has the applicant used this code as intended.

✓

✓ Lately, staff reviews go at great lengths to mention everything under the code as a way to compromise citizen involvement. Because, [under ORS 197.828], "the existence of evidence in the record supporting a different decision shall not be grounds for reversal or remand if there is evidence in the record to support the final decision".

✓

✓ Give me a break! What does that mean? For one thing, clearly there are forces at work that intend to scare mere mortals from fighting city hall. WTF! With language like that, why should we even bother?

✓

✓ Given the over 2000 pages of bull crap submitted into the record, [ORS 197.828] the above is just legalese to define public responses as just "pissing against the wind". What this body must do is affirm, or invalidate,

the city's interpretations of its regulations and comprehensive plan.

Commissioners MUST acknowledge [ORS 197.829;]


✓ the abundant inconsistencies with this application before casting their decision to deny this application. ~~Staff's failure to list out all the inconsistencies in this hubris of [www.rivictomfoolery.blogspot.com](http://www.rivictomfoolery.blogspot.com) will be the basis for an appeal to LUBA.~~

✓

✓ Lastly, You should all have read the Master Water System Plan twice. The inconsistencies between the Water System Master Plan and city negotiations misrepresent and conceal the real goals and objectives existing in our Comprehensive Plan. We know where the existing water table is due to the applicant's reconfiguration of the underground water reservoir. The City Manager also failed to elicit discussion on it's very own extravagant emergency supply goals. Residents in West Linn have a right to know why the assumption of multiple river-pipe failures in the Water System Master Plan was never addressed. Nor the overall costs required to meet West Linn's Emergency water supply needs and assumptions. Given the negative impact LO's water system places on THIS jurisdiction, I would be correct in saying that our own city manager negotiated, corralled, contrived, cajoled, fixed, managed, bullied, and SOLD us all, down the river!

✓

✓ As residents yourselves of this jurisdiction, look objectively at the findings of fact. You will easily conclude, as I have, that city staff directors and the West Linn planning process has been hijacked, misinterpreted, unenforced, and sorely misconstrued solely for the purposes of allowing Lake Oswego's grandiose and unsustainable un-Oregonian monetary ambitions to wreak havoc on an unrepresented citizenry of West Linn. This project has destroyed West Linn's quality of life and neighborhood interdependence. What staff has provided you with is a pile of buffalo bull hockey. Deny the application, get a better working city staff, and enforce this code by telling Lake Oswego and Tigard to show more respect for their neighbors and sending them packing.

Submitted 10/25/2012  
by Carrie Oakes  


CUP 12-02/ DR-12-04  
CUP 12-04) DR-12-14

To the West Linn Planning Commission regarding the Application

I would like to submit into the record a copy of the lease agreement between the City of West Linn and the Oregon, Parks and Recreation Department (OPRD) regarding Mary S. Young State Park (MSY) signed November 3rd 2003. This agreement is currently in force and is not due to expire until 2023. The lease gives the City broad powers of oversight and maintenance for MSY, but also restricts activities that the City may engage in. In particular I draw the Planning Commissions attention to section B(2) of the lease "City may not construct any roads, trails, bridges, new building or permanent improvements upon the leased premises save and accept for those buildings and improvements shown on the approved plan. City may modify the approved plan, from time to time upon submittal of a proposal to OPRD".

If the City as the lease holder can not engage in permanent improvements without OPRD approval I believe that no third party can propose such improvements without prior approval of the City Council of West Linn. Without such approval I contend that this application is invalid in exactly the same way that an application from a developer would be invalid if said developer didn't have authorization from the property owner to submit an application. As the lease holder the City has an ownership interest in MSY like any lease holder. As long as the lease is in place and valid neither the actual property owner or a third party can abrogate the lease agreement or infringe on the rights and prerogatives of the lease holder without the lessees approval. I contend that until such time as the applicant has approval from the City under the terms of this lease this application is not valid.

Sincerely



Submitted by Kate Oakes  
10/25/2012 (24)

**LEASE AGREEMENT  
REGARDING MARY S. YOUNG STATE PARK**

This agreement is made and entered into this ~~3<sup>rd</sup>~~ day of ~~November~~, 2003, by and between the State of Oregon, Parks and Recreation Department (OPRD) and the City of West Linn, Oregon (City).

**RECITALS**

WHEREAS, OPRD is the owner of a parcel of land commonly know as the Mary S. Young State Park along the Willamette River in the city of West Linn, Clackamas County, Oregon, and being further described on the attached exhibit map; and

WHEREAS, OPRD is the owner of two adjacent Greenway properties as described on the attached exhibit map ; and

WHEREAS, under ORS Chapter 390 and ORS 190.010 and ORS 190.110 and the delegated authority of the Oregon Parks and Recreation Commission, OPRD may enter into lease agreements with units of local government concerning the management of park and recreation lands for recreational purposes; and

WHEREAS, the City has expressed a desire to manage the State-owned property for public park and recreational purposes including improving and maintaining an area for sport and activity fields; and

WHEREAS, it is the intent of the parties hereto that OPRD make available at no lease cost to City the lands identified in the above recital for park and recreation purposes with restrictive covenants.

NOW THEREFORE, the parties to this lease agreement hereby approve the above recitals. In consideration of the mutual covenants contained herein, the parties mutually agree as follows:

**A. Management, Maintenance, and Operation**

1. City shall be responsible for the ongoing management, maintenance, and operation of the Mary S. Young State Park Property as a day-use park in accordance with the terms of this agreement.

City hereby agrees that the land shall only be used for public park and recreational purposes consistent with the federal Land and Water Conservation Fund Act (LWCF), the property deed restrictions, and the terms of this lease. Within 18 months of the execution of this agreement, City shall submit to OPRD a plan for operation, development and improvement of the lease premises to include maintenance standards to be followed. The plan may also include a regional look at trail connections. OPRD shall promptly approve the plan so long as the proposed uses and improvements are not inconsistent with OPRD and LWCF policies, regulations, deed restrictions on the

property and maintains the natural character of the park by preserving the forest canopy and wildlife habitat. The existing grassy areas may be improved for sport field development but shall not be expanded into forested areas requiring clearing of trees.

2. 2. The City shall submit a site plan for approval by OPRD for any construction or improvement of sports fields on the property. The site plan must conform to the existing open space with no additional tree clearing except for selected hazard trees, utility clearances, small drainage improvements, pathways or road realignment, or other site needs according to an approved site plan. The sport fields shall be designed for daytime use only. The sport activity fields will not include field lighting, permanent bleachers or other permanent seating, or stadium style development. Restroom facilities, improved parking and traffic circulation may be included in the site plan submitted for approval by OPRD. City hereby accepts responsibility for the operation and maintenance of the property to include park trails, facilities, roads, fences, utilities, repair and replacement of park improvements and vegetation and turf management. Both parties agree to work cooperatively to secure funding through grants and other sources to fund projects identified in the approved plan.
3. City may conduct natural resource management activities on the property to include ivy and noxious weed removal, oak restoration work, removal of hazardous trees, prevention of trail erosion, landscape work, irrigation, opening developed sites for views and security interests, and other activities as outlined in the approved plan. The City shall honor a neighborhood agreement and be responsible to maintain a drainage ditch line on the west side of the park.
4. The City shall maintain the existing sewer pump station and sewer line according to the terms of the prior agreement with OPRD.
5. If buildings or improvements are made to the lease premises, they shall become the property of OPRD without compensation to the City upon the default or the termination of this lease agreement or any extensions thereof.
6. The City shall maintain all grounds included in the leased premises in a clean and neat condition consistent with the management plan for the lease area.
7. The City may install signs to reflect the use of the property as a City facility; however, at least one prominent sign shall indicate that the management of the facility is in cooperation with OPRD. City and OPRD shall agree to the language prior to the installation of the sign in question. The sign will be provided by OPRD for installation by the City.

**B. Limitations on Use**

1. City agrees that it will not remove any timber, except for hazard trees as certified by the City arborist, or brush or make significant changes or development to the land covered by this lease except as shown or described in the approved plan.

2. City may not construct any roads, trails, bridges, new buildings or permanent improvements upon the leased premises save and accept for those building and improvements shown on the approved plan. City may modify the approved plan, from time to time, upon submittal of a proposal to OPRD. If City proposes to make changes to the plan, it shall give OPRD notice of the proposed changes and OPRD shall promptly review and approve the changes so long as they meet the criteria set forth in condition A.2 and A.3 above.
3. City may not charge a day use entry or parking fee for use of the property.

**C. Permits, Assessments, Coordination with Other Public Agencies**

1. City shall carry fire insurance in an amount adequate to insure existing improvements and any subsequent improvements that City may make to the property. City shall be responsible for fire prevention and fire suppression within the park areas.
2. The property is not subject to real property taxes. However, should there be any existing or future fire/emergency service, water/sewer, road service or other assessments made, payment shall be City's responsibility during the term of the lease. Existing fees assessed by the City for watershed and runoff assessments shall be the responsibility of the City. Park utilities will be converted to the City for charges for services.
3. City shall be responsible for obtaining any permits necessary for management, maintenance or operation of the lease premises.

**D. General Provisions**

1. City shall be responsible for the complete management of the lease premises and any facilities that City may subsequently construct and shall have discretion to establish hours and seasons of operation as well as fees to be charged for use of the land and facilities as permitted in the deed to the property.
2. To the extent permitted by the Oregon Tort Claims Act, City shall indemnify OPRD within the limits of the Tort Claims Act, against liability for damage to life or property arising from City's activities under this agreement, provided City shall not indemnify OPRD for any such liability arising out of the wrongful acts of employees or agents of OPRD. The City shall be responsible for due diligence and care of the property to remove any hazards, conduct timely repairs, perform preventative maintenance, and maintain the property in a safe and sanitary condition. City shall be responsible for any neighborhood complaints of downed trees, trespass, fence repairs, noise, or other concerns.
3. The term of this agreement shall be 20 years from the date of the last signature. The agreement may be renewed for an additional period(s) upon mutual agreement of both parties.



4. OPRD may have access to MS Young Park for inspecting and coordinating the terms of the lease agreement and for conducting educational and interpretive activities associated with park programs at OPRD.
5. All notices or other communications required or permitted under this Agreement shall be in writing and shall be personally delivered or sent by fax and regular mail.

To State:  
Assistant Director, Operations  
Oregon Parks and Recreation Department  
1115 Commercial Street NE, Suite 1  
Salem OR 97301-1002  
FAX: (503) 378-8936

To City:  
City of West Linn  
Attn: Sandi Farley, City Manager  
22500 Salamo Road, #100  
West Linn, OR 97068

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals this 3rd day of Nov., 2003.

OREGON PARKS AND RECREATION DEPARTMENT

\_\_\_\_\_  
By: Michael Carter  
Title: Director

CITY OF WEST LINN

David Dodds  
By: David Dodds  
Title: Mayor

\_\_\_\_\_  
Attest: Sandi Farley  
Title: City Manager

submitted by Natalie Cooper  
10/25/2012 (24)

From: PATRICK and VICKY SMITH  
Subject: Re: Air qual  
Date: October 25, 2012, 1:04 PM  
To: Natalie Nahey Cooper  
Cc: Jenne Henderson, Rebecca Walters, Chuck Landskroner, Eric Jones, Georgia Gavin, Jana and Neal Rea, Ken Hanawa, Linda Edwards, Mark Ellsworth, Mary and Dave Robinson, Michael Cooper, Ray and Kim Cozby, Samuel I. Stephens, Stacey Gianopoulos, Steve Hopkins, SteveJulieBlake, Thomas Holder, Tom & Gwen Sieben, Val Sabo, Yvonne Davis, shanon vroman

Natalie -

Another item I think worth mentioning to the Planning Commission that we just learned, this week, regarding the proposed easement for the Pipeline .

(I sent the State staff report to this email group when I received it from the State Parks rep. Chris Havel. - Let me know if you need it again)

Chris also emailed me that .... as part of the "agreement language" for the easement Lake Oswego is requesting (across the two residential Maple Grove parcels) from State Parks, that State Parks is requiring the project sponsor ( Lake Oswego) to resolve all other deed restrictions and meet the 75% requirement if they wish to proceed. OPRD will not act on the project sponsor's behalf to lift any other restrictions; the burden to do that is on the project sponsor.

I think that it is worth mentioning to the Planning Commission, that since LOT is already suing West Linn residents to obtain the required 75% waivers on their own 4 parcels ... we can only assume Lake Oswego will be suing us again to gain the waivers for the STATE owned parcels. Do they really want to be party to that.

refer to Kari

Testified 10/18/12 at PC meeting

Shanon Vroman

## LOT Applications

I Appreciate your time and willingness to commit the time necessary for the public to be involved in this process.

As I have mentioned in the past, I think it is important for you as a commission to remember that the general public is not familiar with all the city codes and political processes. Most citizens of West Linn have never been to a PC meeting or city council meeting. Most citizens pay their taxes, cast their votes and hope and pray that the elected and paid officials have citizens best interests in mind as they make decisions. Very few citizens know how to read the code let alone, make sense of it. Most citizens who want to speak out about this issue or other issues, don't know how to interpret the CDC and apply it to an application. So, we rely on you folks to do that and to hear our concerns. For this, I ask that you know that we as a community have worked hard to try and get all the information out to the WHOLE community so that they can become knowledgeable and prepare a testimony that addresses the specific places these applications DO NOT meet the code and give reason for denial. You will hear much testimony on many angles of these applications. In addition, you will hear a lot of emotion. I ask that you be patient with those citizens that are not code savvy and give value to their voice regardless.

I recognize and understand that our city has the CDC's for the purpose of protecting us as a city and the citizens of this city. But, it isn't necessarily black and white. I am certain that each of you have the ability to be objective. I am also confident that each of you understands that **you have the right to YOUR interpretation** of the code and the language in the code. What one individual sees as a benefit, another may not.

This Industrial Plant does not belong in a residential neighborhood. And, the negative impact on individuals, businesses, homeowners, elderly, our city streets, etc. is so huge and so unspeakable, that I can't imagine you seeing any benefit from this project that justifies or supersedes the negative it brings to this community. In the Comprehensive Plan it states, there must be a community "BENEFIT" for an approval. This is where your interpretation comes in...

Submitted  
10/25/12  
AV

1. Does an existing intertie get to count as a new benefit since this is a new application? Let's not forget that the existing intertie is not our ONLY source of emergency water.
2. Our cities entire water system needs an over haul, in a big way. Replacing an existing 6" pipe on Mapleton with an 8" pipe, all be it very nice and useful, it is so small and minuscule in the big picture of our water master plan needs that it can't even begin to be considered a benefit. Especially since WL is paying half the cost. And, if the 6" pipe has to come out of the way for LOT to install their 4' pipe, seems the benefit is actually LOT's, NOT a WL benefit.
3. Franchise fees are a possible benefit...since we have no idea what those are yet, hard to determine if the amount of benefit applies to this code. And, while I am talking about franchise fees, let me say what an complete and total insult it was for LOT to look at the GNC mitigation list and check off items on that list as having agreed to simply by saying they agree the franchise fees can be used for that item.....WRONG folks! LOT doesn't get to dictate how we use the franchise fees. AND, if they are not footing the bill directly for the mitigation item, then they have not agreed to take responsibility for that item. LOT counted all those mitigation items that they said they agreed to with the franchise fee paying the cost...if you take those out, you will find the actual number of mitigation items that they took responsibility for and really agreed to is very few...FAR less than what they reported.
4. At the very first meeting I attended 2 years or so ago that LOT organized to talk with the neighbors about creating a good neighbor plan, they wrote down repaving as something they would do for the neighbors as a good neighbor gesture...seriously, I am confident that you see that repaving a road that you tear up is your responsibility to repave...this is NOT a benefit, it is a requirement,
5. Finally, the darn path between Mapleton and Kenthorp. This thing has been thrown in our faces and touted as a benefit from day one. There are a number of citizens that would like a path between the two streets. But, we have done surveys and about 90% of those people wanting a path don;t want it bad enough to have to have an industrial plant built in the community to get it. Besides, it isn't a path, it is a road, let's not kid each other about that. call a spade a spade and a road a road. We have lived with out it all these years and been just fine.

6. Chapter 28 of the code talks about distance from a high water marks needing to be 100' How can LOT be allowed to put a 4' pipe under, around or whatever their plan is, the creek on Mapleton. We have neighbors on our street that have the creek passing through their property and they have been told they can not do many things in their yards because they have to stay clear of the creek. They have been warned of fines and consequences. How is it that LOT gets a green light to go anywhere near the creek stirring soil in a high water mark area.
7. Finally and quite simply, CDC 60.70A states it that the application must fit or be compatible with the surrounding area. Well, this is where your job gets real easy! The applicant wants to build an industrial plant in a residential neighborhood that is zoned as such. The properties in that area and those that the plant is sited to be constructed on, carry CC&R's for added protection. Years ago, the original owner felt strongly about this area staying residential. That is why he attached CC&R's to each piece of land he parceled off. It is a document, recorded and valid, to protect these properties and maintain the nature of the neighborhood. As, you know, LOT found this to be a nuisance in the way of them getting what they want so they are suing each homeowner to take their right away. Causing homeowners to spend money they don't really have, to get an attorney and defend their right. This is NOT a GOOD NEIGHBOR.

**An industrial plant trying to be built in a zoned residential neighborhood...that alone gives you reason for denial of this application!**

I thank you for listening, for being objective, for asking excellent questions and for being patient with the public as they share their hearts about this issue. We are trusting you to protect us.

Shanon Vroman  
Shanon Vroman  
4101 Mapleton Dr.  
West Linn, OR 97068

**TO: West Linn Planning Commission**  
**RE: Lake Oswego-Tigard Water Partnership**  
**Date: October 8, 2012**

**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.

- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to **protect** property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

BALMER  
Name

OWNERS of  
Name

23544 S.W. Sage Rd.  
Address

4630 Kenthorpe Way  
Address

**TO: West Linn Planning Commission**  
**RE: Lake Oswego-Tigard Water Partnership**

**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068

**Date: October 8, 2012**

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.

- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive?** How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Kari L. Evans  
Name

Name

owners of

23544 S.W. Sage Rd.  
Address

Address

4130 Kenthorpe Way



**Robinwood Shopping Center, LLC**  
19363 Willamette Drive #108  
West Linn, Oregon 97068  
503-636-9000 Office  
503-387-3082 Facsimile

October 25, 2012

Dear City Planning Commission:

After our presentation to the City Planning Commission this past week, I received a call from a representative of LOT who stated that I had made a mistake in my letter. He said that my statement "that this work would cause 15,400 truck trips and 50,000 additional construction-related vehicles" was a gross exaggeration that was being used by the opposition. I said that if I had made a mistake, I would immediately go on the record and have the mistake corrected. I then went straight to the materials that Lake Oswego Tigard (LOT) had prepared on this issue and did my own independent calculations.

**I have attached these calculations and the method used for your review and it shows that instead of the 65,400 of truck and vehicle calculations that I had originally stated, that when calculated conservatively that the actual number of just truck trips will be anywhere from 77,760 to 89,472 trucks.**

**Please note that this is just for trucks trips and does not include the additional vehicle traffic and is based upon information supplied by the Lake Oswego Tigard group i.e. from written information submitted by LOT on p.10 and Table. 3. on p. 11 of their Construction Management Plan for the RWP and FWP. It does not include additional daily truck trips that will result from WTP construction activities. This fact is clearly stated in Footnote 1. of Table 3. on p. 11 of the Construction Management Plan for the RWP and FWP.**

These numbers are much higher than what I and others have originally estimated. This amount of traffic will unquestionably create a huge traffic congestion nightmare, much more so than anyone has even anticipated.

As a result of the huge amount of traffic that this project will bring to Highway 43, along with all of the other problems that this project brings with it, **the expansion of the water treatment plant will unquestionably bring serious harm to the Robinwood neighborhood, and kill many businesses and jobs on Highway 43. The loss to businesses alone will be in the millions of dollars, and we certainly can ill afford to lose jobs.**

I had also stated in my letter to the City Planning Commission that the Robinwood Shopping Center had not been contacted. The representative told me that LOT had sent to me a letter in December of 2011 and that he had an affidavit to that affect. I said that I did not remember



receiving anything at all, but that I would look into it, and if I was wrong, I would acknowledge it. He further stated that all of the businesses in our center had been contacted and that he had an affidavit to that effect.

He then emailed to me an affidavit stating Jeffery Selby had mailed me and certain other business owners during December of 2011 information on the project. It further stated that between the end of December and the beginning of January that Jeffrey Selby had provided representatives of businesses with an information packet which referenced future construction on Highway 43.

The next day I looked to see if I had anything at all and found nothing. I then asked an associate if he had seen anything. He searched through his files and found a letter that had been addressed to "Highway 43 Neighbor" during the Christmas Holidays dated December 20, 2011. It was a generic letter sent by regular mail on Lake Oswego Tigard stationery and referenced some work that was being considered with a statement that "Members of our team will visit businesses and homes along Highway 43 over the next month to talk with you and your neighbors about the project."

The fact that I did not see a general mail-out sent by regular mail in the very middle of the Christmas Holidays does not surprise me, and I can clearly understand why other business owners are not aware of this correspondence. Additionally, although the letter said that someone would visit the businesses to discuss the contents of the letter, no one has visited me or any of the businesses in our shopping center to discuss the contents of the letter.

LOT has done an outstanding job of feigning an attempt to obtain business involvement while aggressively pushing their agenda behind the business community's back. If they were sincere in their attempts to engage my and the business community's input in this matter, why didn't they call me and discuss it with me, or at the very least send it to me and others by certified mail so that we would have been alerted as to its importance. If you really want to communicate with someone you do not send them generic regular mail, something that many people might immediately consider to be junk mail, in the very middle of the Christmas holidays.

I do, however, take Jeffrey Selby's affidavit at face value that he did drop off the packets to people who are working in retail or service businesses during the middle of a holiday season. But I do not believe that dropping off packets to employees in retail or service businesses during the middle of the holiday season, many of whose businesses do not welcome any solicitation at all, and not the owners themselves, is a meaningful attempt to engage a business owner in discussions about the proposal.

Finally, he also stated that I had ignored that the highway construction work was going to be done at night. Our tenants and I are aware that the highway portion of the work is going to be done at night between the hours of 9pm to 6am. But the work to the water treatment plant will be done during the day resulting in a voluminous amount of additional traffic causing horrendous congestion which will unquestionably create huge problems for them all.

All of our tenants, and all of the businesses that I know of on Highway 43, are strongly against this proposal even with the road work being done at night. We recognize that during the work at night will be helpful, but the sheer volume of water treatment plant work that will be done during the day will bring a large amount of additional traffic to Highway 43, as demonstrated with the attachment, and is a business killer.

It does not make sense to kill our neighborhoods, businesses and jobs for any project, much less for a project that does not meaningfully benefit West Linn's citizens and divides our community in the process.

The magnitude of opposition against this project should scream out to you to immediately reject this horrendous ill-founded "Neighborhood Killer, Business Killer and Jobs Killer" plan.

We urge you to please reject this very harmful plan.

Sincerely,

A handwritten signature in blue ink that reads "William J. More". The signature is written in a cursive style with a large initial "W" and "M".

William J. More  
Robinwood Shopping Center

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature 

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Joan Bouchard  
Signature

18950 Nixon Ave, West Linn OR  
Address

Please print name Joan Bouchard

Email Address joan.bouchard@comcast.net

Phone number (503) 752-2878

Any additional comments:

The hours of testimony against the LOT project have been enlightening. Please consider this testimony carefully, as it raises numerous environmental, safety, financial & public interest issues in regard to negative impacts on the citizens and businesses of West dinn.

Both Lake Oswego and Tigard have alternative methods from which to obtain their water supplies. But there are no studies to show they have seriously considered these alternatives and have instead chosen to put West dinn citizens through the negative impacts of development while saving their land for property development.

I also believe this expansion is ultimately tied to development in the Stafford area and fear that this <sup>project</sup> issue is going to be tied politically to West dinn's water project in the end, especially if West dinn's government does not support its own citizen over that of other Oregon cities. I realize the importance of regional planning and cooperation - but this is not the way to go about doing that.

The applications do not meet CDC 60,070 as outlined in the attached letter and in the numerous testimonies received at the public hearings. Lake Oswego and Tigard pay no property taxes, transportation fees or franchise fees to West dinn. Please listen to your West dinn citizens and business owners and deny these applications.

LOT has been less than honest with everyone throughout this process. First they tried to buy off the Robinwood property owners for \$1000. Then they misrepresented the Robinwood business owners when they said they had contacted them & they did not oppose the project. The numerous negative consequences of this project have been brought to light only through the efforts & determination of the Robinwood Neighborhood.

LOT has demonstrated a lack of respect for the citizens of West dinn, its businesses and its city government. I respectfully request you put West dinn interests first and deny the LOT applications.

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

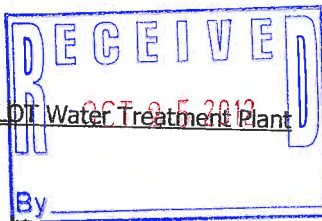
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink that reads 'John S. Bouchard'. The signature is written in a cursive style and is positioned above a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. ~~It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.~~

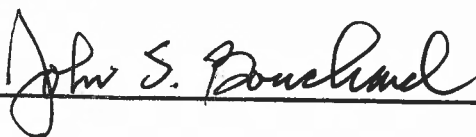
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

John S. Bouchard

Address

18950 NIXON AVE, WEST LINN, OR  
97068

Please print name

JOHN S. BOUCHARD

Email Address

BOUCHARD22@COMCAST.NET

Phone number

503-635-3475

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

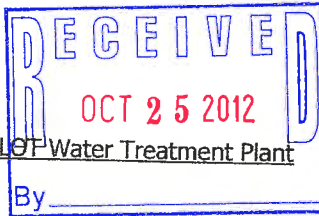
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

*Jacque Manges*

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached,**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature





60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Jacque Marquis  
Signature

1818 16th St. West Linn  
Address

Please print name Jacque Marquis

Email Address jacquemarquis@  
yahoo.com

Phone number 503-422-1503

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

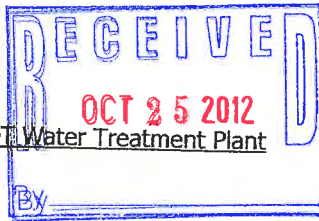
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years — all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

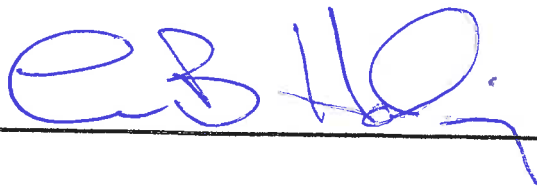
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

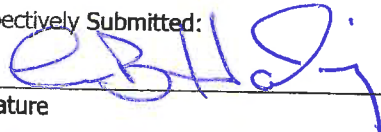
Signature

Address

Please print name

Email Address

Phone number



4015 ROBIN PLACE

TODD B HARDING

\_\_\_\_\_

\_\_\_\_\_

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and-not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

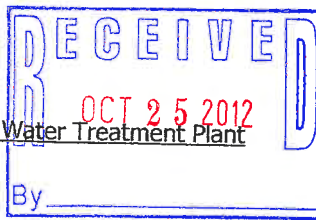
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

*Thomas Taylor*

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. ~~It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.~~

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

*Thomas Taylor*

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Thomas Taylor  
Signature

2690 DILLON WEST LINN, OR  
Address

Please print name THOMAS TAYLOR

Email Address REVMRT7@AOL.COM

Phone number 503-655-1972

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

*Suzan Russell*

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

*Suzanne Russell*

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction.. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Suzan Russell  
Signature

4715 Cornwall St  
Address  
West Linn OR 97068

Please print name SUZAN RUSSELL

Email Address SUZANR17@live.com

Phone number \_\_\_\_\_

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

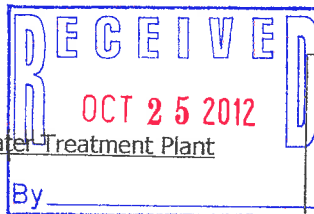
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature Sean Corkin

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature





60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Sean Andersson  
Signature

19125 Willamette Dr West Linn OR 97068  
Address

Please print name Sean Andersson

Email Address \_\_\_\_\_

Phone number 503-657-1842



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be "Z. Pelz", written over a horizontal line.

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted.

Signature

Address

Please print name Tim Anderson

Email Address

Toch support @

Acc Computer repair.biz

Phone number

503657 1842

19125 Willamette dr. 97068

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	6 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline

Letters can be mailed to:

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpeiz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate: The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a regional Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips. (please see calculations attached). in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work. depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month. and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant. in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community, LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

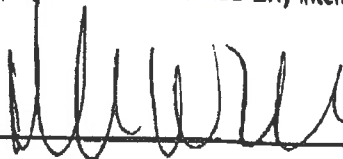
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed impulse sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because this plan is a neighborhood killer, a business killer and a job's killer. It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

DeAnna Waddle  
Signature

2560 Woodhill Ct. West Linn  
Address  
OR 97008

Please print name DeAnna Waddle

Email Address \_\_\_\_\_

Phone number 503-863-4634

RE: **Lake Oswego-Tigard Water Partnership**

Date: **October 8, 2012**



West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.

- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive?** How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens? You Should Be!**

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Bel La Folle

Name

[Signature]

Name

21570 Willamette Dr.

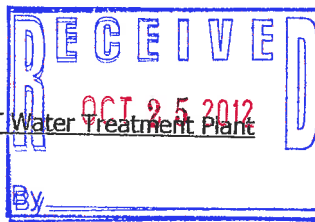
Address

West Linn OR 97068

Address

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, ~~LOT Water Treatment Plant~~  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature DR

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

DR



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature  \_\_\_\_\_

Address \_\_\_\_\_

Please print name Dora Rodriguez

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	6	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

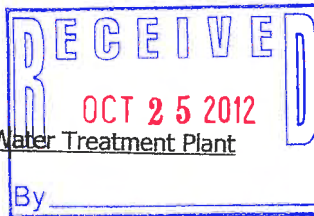
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature Norma

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

NI

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Norma Lilia Alvarez  
Signature

\_\_\_\_\_ Address

Please print name Norma Lilia Alvarez Lopez

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3: RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

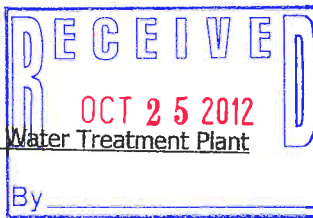
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnregion.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature Kde

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.


LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature 

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Kaylun Luarca  
Signature

\_\_\_\_\_  
Address

Please print name Kaylun Luarca

Email Address \_\_\_\_\_

Phone number 503-757-0080



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be "S. A. ...", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

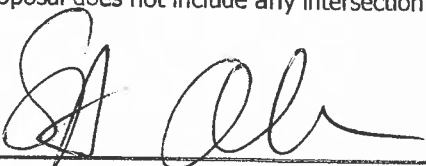
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

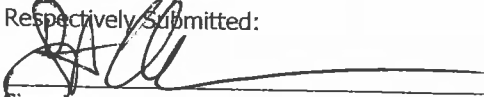
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

19125 Willemette Rd  
Address  
A202A

Please print name SCOTT ANDERSSON

Email Address SCOTTANDERSSON@ACE

Phone number 503 657 1402

ACE COMPUTER REPAIR. BIZ

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

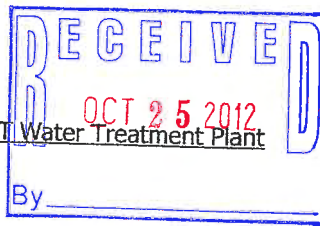
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Joseph W Nolan  
Signature

19157 W. Marquette Dr  
Address

Please print name Joseph W Nolan

Email Address \_\_\_\_\_

Phone number 503 635 4493

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

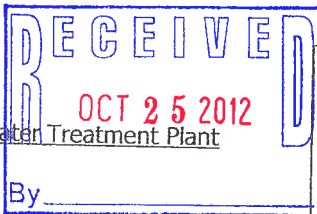
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be "Z. Pelz", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

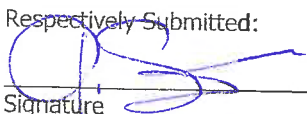
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

19171 Willamette Drive  
Address  
West Linn OR 97068

Please print name Gregory Scott Stein

Email Address pmwestlinn@gmail.com

Phone number 503 675 7463





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

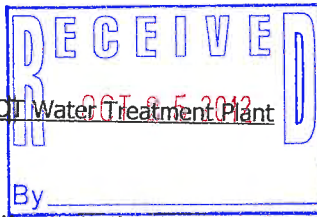
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be 'JL', written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.


LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature 

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Josina Copeland  
Signature

18350 Wilkmette Dr  
Address

Please print name Josina Copeland

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3: RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

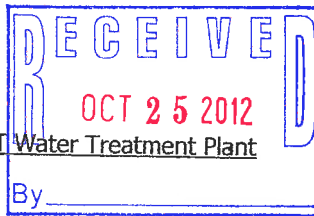
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature 

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

Address

Please print name

Email Address

Phone number

Raude Smith

18350 Willamette Dr

Raude Smith

\_\_\_\_\_

503.954.9616



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	6	8 p.m. to 5 a.m.	June 2014	August 2015

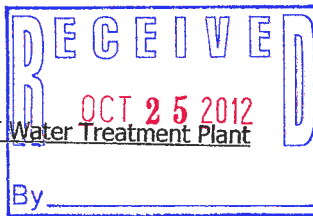
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to read "Andy [unclear]", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

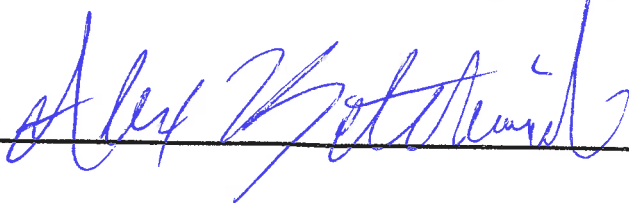
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature





60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

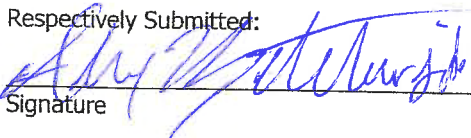
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

18350 Willamette Dr.  
Address

Please print name Alex Ketcherside

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

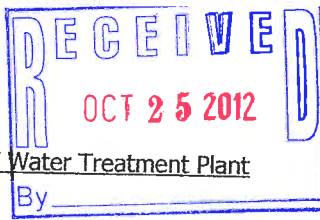
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be "AJ", written over a horizontal line.

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Robin Pearson  
Signature

1915 16 2 6  
Address

Please print name Robin Pearson

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, consisting of a stylized 'Z' or 'S' shape followed by a loop.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.


LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature 

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Calli Smith  
Signature

\_\_\_\_\_  
Address

Please print name Calli Smith

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

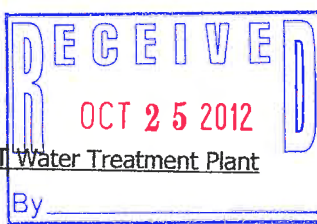
<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3-story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be "SJD".

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Sotira Dunham  
Signature

18350 Willamette Dr.  
Address West Linn, OR. 97068

Please print name Sotira Dunham

Email Address \_\_\_\_\_

Phone number (503) 635-7339

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

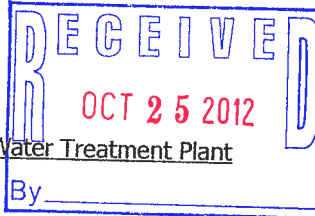
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be the initials "DM", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature





60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Destiny Murphy  
Signature

18350 Willamette Dr.  
Address West Linn OR 97068

Please print name Destiny Murphy

Email Address \_\_\_\_\_

Phone number 503-435-7339



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.


I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Berta Villarreal Ferguson 18350 Willamette Dr.  
Signature Address

Please print name Berta Villarreal-Ferguson

Email Address \_\_\_\_\_ Phone number (503) 635-7339





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

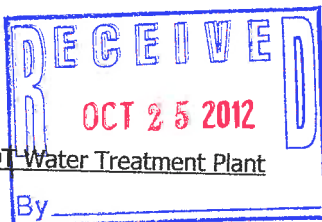
Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup> Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup> All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup> HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission  
RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be "J. Pelz", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

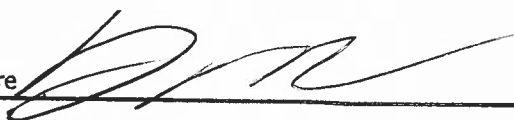
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:



Signature

Address

Please print name

Daniel Moore

Email Address

Danielm454588m@gmail

Phone number

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

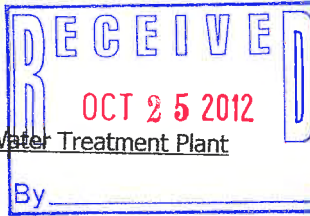
<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in cursive script, appearing to read "Peter DeLong".

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

*Detwiler*  
Signature

18350 WILLAMETTE DR., WEST LINN  
Address  
OR 97061

Please print name \_\_\_\_\_

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature





60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Melinda Jones  
Signature

18350 Welanette Dr.  
Address

Please print name MELINDA JONES

Email Address \_\_\_\_\_

Phone number 503/635-7339

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

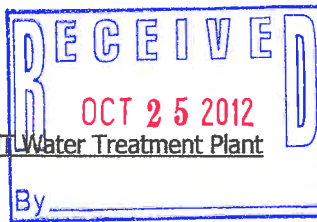
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, ~~LOT~~Water Treatment Plant

and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

*Melissa Linn* MS

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

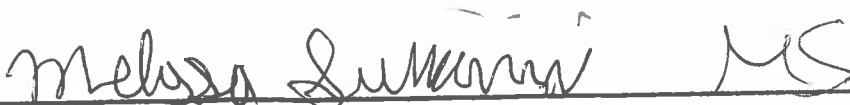
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

 MS

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Melissa Sidianni  
Signature

18350 ~~1000~~ Willamette  
Address

Please print name Melissa Sidianni

Email Address \_\_\_\_\_

Phone number 503 635 7339



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	6 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>As truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

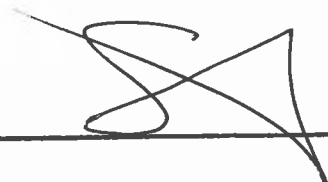
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed impulse sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature

Address

Please print name

Email Address

Phone number

Sharon Andreasen  
18350 Willamette Dr West Linn

Sharon Andreasen

503-635-7339



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

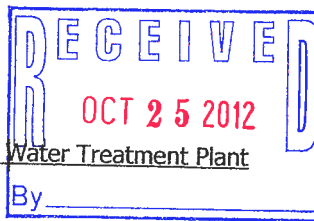
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>As truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be "John", written over a horizontal line.



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Karina J. Weston  
Signature

18350 Willamette Dr. West Linn, OR  
Address

Please print name Karina Weston

Email Address Joanikeala1976@yahoo.com

Phone number 503.635.7339

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	6 p.m. to 5 a.m.	June 2014	August 2015

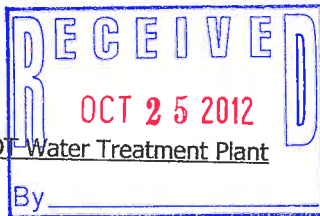
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3-story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Vince Williams  
Signature

18350 Willamette Dr.  
Address

Please print name Vince Williams

Email Address \_\_\_\_\_

Phone number 503-635-7339





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

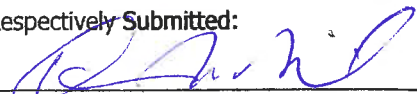
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

2074 sylvan way  
Address West Linn, OR

Please print name Darren M. Maki

Email Address 503-789-4577 →

Phone number \_\_\_\_\_



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on p. 10 of the Construction Management Plan.

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12			576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)



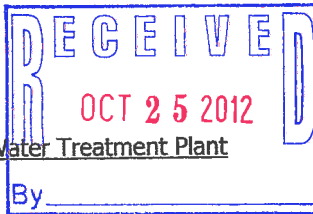
**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup> Additional daily truck trips may result from WTP construction activities which are not included in this table.

<sup>2</sup> The truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup> HDD pullback activities will occur once over a continuous 24- to 48-hour period.



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature Emily Burton

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Emily Branton  
Signature

19500 Hidden Springs Rd  
Address  
Apt 21

Please print name Emily Branton

Email Address EMChick41313@  
Hotmail.com

Phone number 503-816-8099



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12			576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips may result from WTP construction activities which are not included in this table.

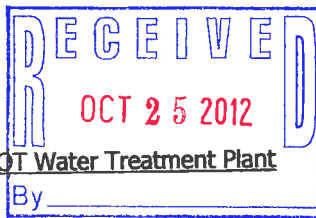
<sup>2</sup>The truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years — all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be the initials "AD" or similar, located at the bottom right of the page.



Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
\_\_\_\_\_  
Signature

4096 corkwall st  
\_\_\_\_\_  
Address

Please print name Thomas Xavier

Email Address tomxavier3@gmail.com Phone number 971-275-6296



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on p. 10 of the Construction Management Plan.

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12			576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup> Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup> All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup> HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

Address

Please print name Megan Williams

Email Address \_\_\_\_\_

Phone number 503-656-4331





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that “All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup> Additional daily truck trips may result from WTP construction activities which are not included in this table.

<sup>2</sup> Truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup> HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

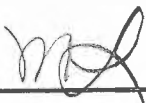
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Michelle Lattanzi  
Signature

4592 Cornwall St  
Address  
West Linn

Please print name Michelle Lattanzi

Email Address Lattanzi michelle@ Phone number \_\_\_\_\_  
Yahoo.com



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on p. 10 of the Construction Management Plan.

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12			576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)



**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup> Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup> All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup> HDD pullback activities will occur once over a continuous 24- to 48-hour period.



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

Letters can be mailed to:

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature

Address

Please print name

Jose Gutierrez

Email Address

smiles\_503@yahoo.com

Phone number

503-381-7923



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (I.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on p. 10 of the Construction Management Plan.

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) - normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) - pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

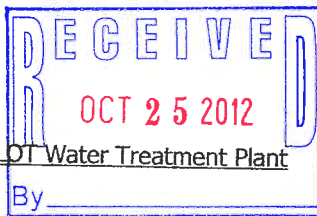
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in dark ink, appearing to be the initials "WR" or similar, written in a cursive style.



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

M. Rhoads  
Signature

18850<sup>S</sup> Willamette DR  
Address

Please print name Misty Rhoads

Email Address mistified-2u@yahoo.com Phone number 5034215187

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3: RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Handwritten initials or a signature, possibly "SS", in the bottom right corner of the page.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Scott Shipley  
Signature

18850 S.F. Wilton Dr West Linn  
Address

Please print name Scott Shipley

Email Address Scotty2644@yahoo.com

Phone number 503 699-7675





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on p. 10 of the Construction Management Plan.

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12			576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)

**Chart from p. 11 of Construction Management Plan**

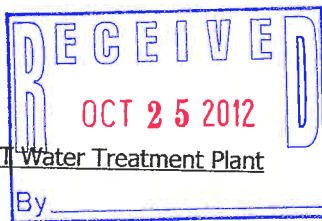
Table 3: RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission  
RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be the initials "JH" or similar, written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

2657 Woodsprite Ct  
Address

Please print name

Joel LaFollette

Email Address

Joel@royal-treatment-fishery

Phone number

503 850 4397

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



**Chart from p. 11 of Construction Management Plan**

Table 3: RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

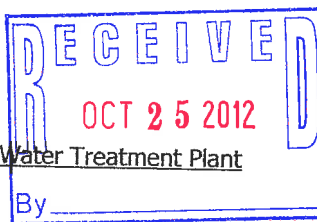
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

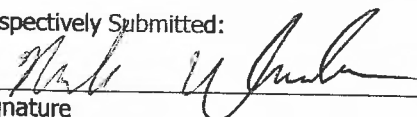
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

1936 NW 143rd Ave, Portland, 97229  
Address

Please print name Nick Wheeler

Email Address wgoldentrout@hotmail.com

Phone number 707 695-2957



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

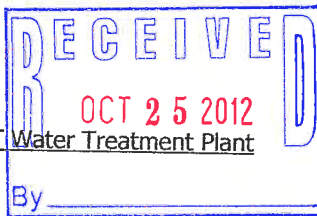
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a solid black line.



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

21560 W. Lanette Dr  
Address

Please print name H. P. Champion

Email Address HP@cajusecycles.com

Phone number 503-342-6168



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

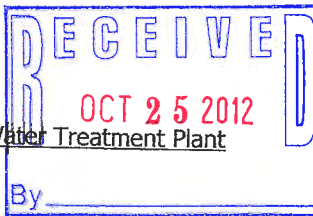
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



Letters can be mailed to:

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be "EL", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Elyata Leisure  
Signature

12330 SE Bush St PDX. OR 97236  
Address

Please print name Elyata Leisure

Email Address: Elyatanic@gmail.com

Phone number 503 995 7084





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

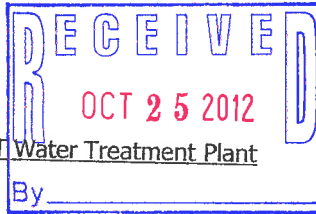
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature 

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.


West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature OWNER/ OPERATOR OF HEALTHY PET  
ROBINWOOD NEIGHBORHOOD RESIDENT

HEALTHY PET WEST LINN  
Address 19137 WILLAMETTE OR.  
WEST LINN, OR  
97068

Please print name AMBER NURMI

Email Address amburnurmi@gmail.com

Phone number 503-~~722-0200~~ 722-0200



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	6 p.m. to 5 a.m.	June 2014	August 2015

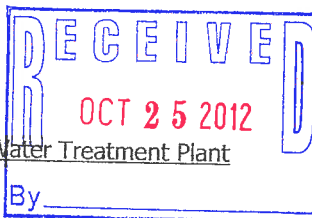
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be "Z. Pelz", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

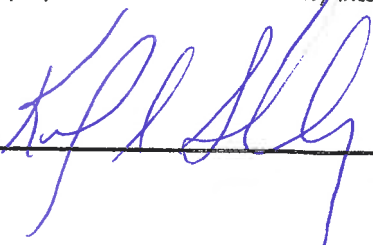
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

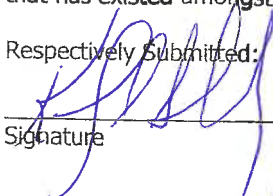
Signature

Address

Please print name

Email Address

Phone number

  
Kimby Shockey  
kashocke@gmail.com

19137 Willamette Dr. West Linn 97068  
503 722 0200



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

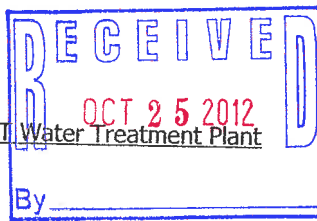
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

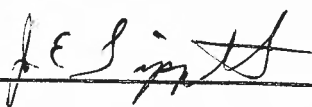
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Janne E Tippett  
Signature

15290 SE Louisa Ln Chikama  
Address

Please print name Janne Tippett

Email Address \_\_\_\_\_

Phone number 503-658 4716

WEST LINN LIQUEUR



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

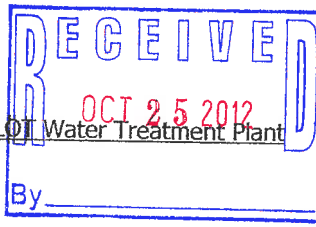
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

Please print name \_\_\_\_\_

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_



Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

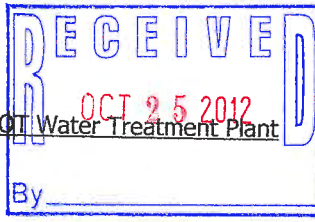
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

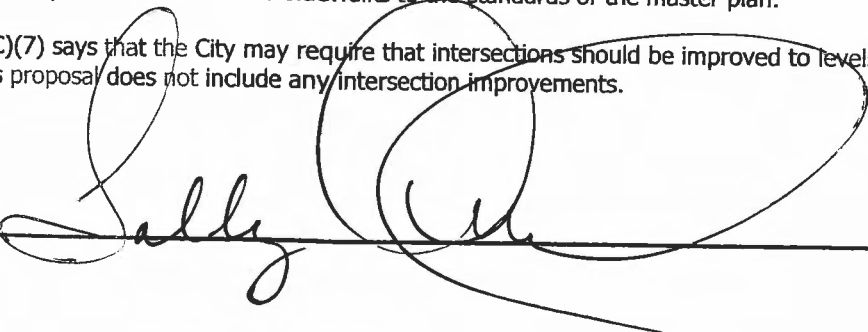
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

Address

Please print name

Email Address

Phone number

13637 Bachelung Hills

Sally Andersson

503-557-3235

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



**Chart from p. 11 of Construction Management Plan**

Table 3: RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	6	6 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to read "Don Q.", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted

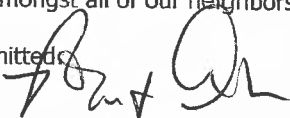
Signature

Address

Please print name

Email Address

Phone number



19353 Willamette Dr.

West Linn - OR 97068

ROBERT DARKE, DDS

hsdentistry@comcast.net

503-699-1900



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

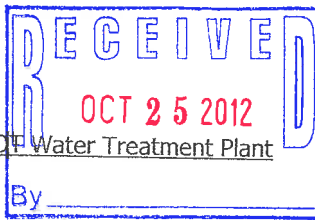
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOP Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

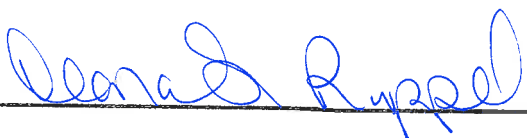
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Deana Ruppel  
Signature

15065 S. Green Hill Dr  
Address

Please print name Deana Ruppel

Email Address highplacesdr@  
hotmail.com

Phone number 503 632 3009



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

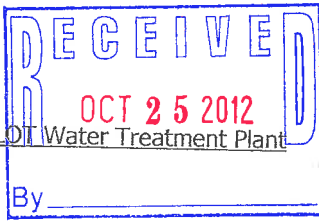
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips).

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



Letters can be mailed to: West Linn Planning Commission 22500 Salamo Road West Linn, OR 97068 or emailed to zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

- 1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a regional Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a Revenue Generating Agreement between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

[Handwritten signature]

BARBARA E. DARKE
West Linn, OR.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

Address

Please print name

Email Address

Phone number





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips).

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts,**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

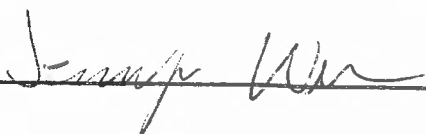
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

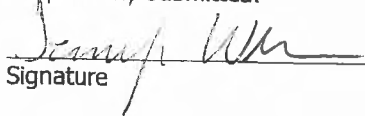
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature \_\_\_\_\_

Address \_\_\_\_\_

Please print name JENNIFER WILKESON

Email Address N/A

Phone number N/A



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	6	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

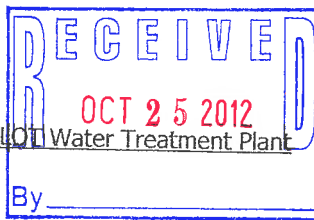
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature

Address

Please print name Natalie Hardin

Email Address

Phone number

NA

(503) 318-5887

Natalie Hardin

13182 Wassail Ln.



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

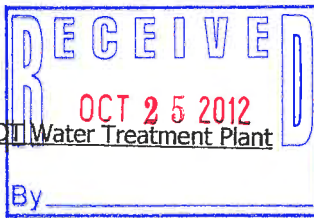
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, ~~LOT~~ Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature Heather Callis

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Heather Collins  
Signature

12882 SE Sunynew Drive  
Address

Please print name Heather Collins

Email Address heathercollinsr@gmail.com

Phone number 503 9191748

Any additional comments: Surrounding businesses can't  
afford any interruptions in business, let alone  
ways of interruptions. We just got the bridge  
back open, Ohio can wait.

Glenn Galis

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were doubled to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

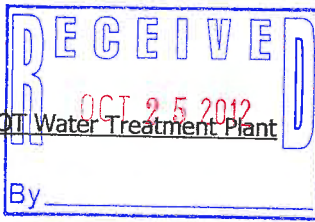
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to read 'Andrew J. Hines', written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.


West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

2471 Crestview Dr. West Linn, OR 97068  
Address

Please print name Andrea Alvarez

Email Address dreasince93@gmail.com

Phone number (503) 964-4478





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

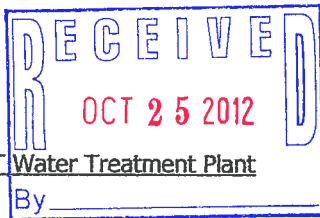
Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature hy

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Kelly Luerano  
Signature

19143 Willamette Dr  
Address  
West Linn, OR 97068

Please print name Kelly Luerano

Email Address gluerano@comcast.net Phone number (503) 869-7104

Any additional comments: We have owned the Baskin Robbins in west Linn for six years. Three of those years we had no anchor to draw business to our store or shopping center. Times have been tough financially. Now that we have an anchor (Walmart) drawing business to our location, things are improving. We start many employees on their way to future careers by offering them their first job. This water project will negatively impact our business and could erase the progress we have been able

Thank You!

to recover financially. People will not want to fight the heavy equipment, bad road conditions, trucks filled with debris to grab an ice cream cone. Please consider all the west Linn businesses by stopping the onset of this project.

Sincerely,

Kelly Luvano

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**



**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

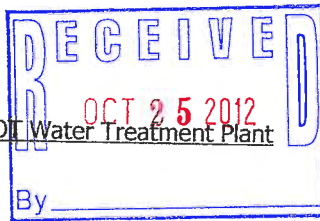
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>4.9 truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. ~~It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.~~

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Nema Spyros  
Signature

19145 Willamette Dr.  
Address 97068

Please print name Nema Spyros

Email Address AMKeicher@yahoo.com Phone number 503 635-2515

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

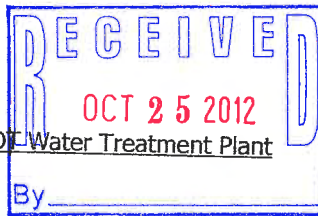
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.


West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

140 E. Arlington St  
Address  
Gladstone OR 97027

Please print name BRIAN KNOCHE

Email Address BK.1971@hotmail.com Phone number 503

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	5 p.m. to 5 a.m.	June 2014	August 2015

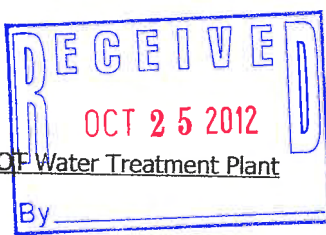
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

19161 Willamette Dr, W.L  
Address

Please print name Mark Buset

Email Address \_\_\_\_\_

Phone number (503) 313-4442



Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to-account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

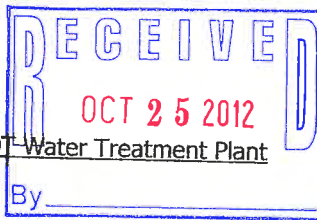
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be 'A', located at the bottom right of the page.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

4738 Mapleton Dr, W.L.  
Address

Please print name Nathalie Christensen

Email Address \_\_\_\_\_

Phone number (503) 516.7265

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



**Chart from p. 11 of Construction Management Plan**

<b>Table 3: RWP and FWP Truck Trip Volume by Phase<sup>1</sup></b>				
<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

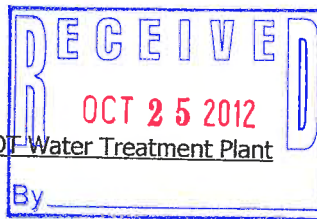
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.


CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature 

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.


LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature 

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

K. Laplante

Signature

19161 Willamette Dr West Linn, OR

Address

97068

Please print name

Katie Laplante

Email Address

Phone number

503-699-2929



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

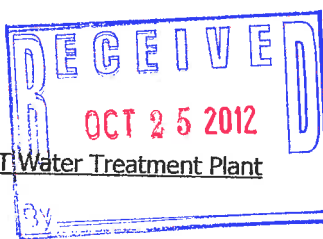
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink, appearing to be the initials "GT" or similar, written over a horizontal line.



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature G. Johnstone G. Bruce

Address 19161 Willamette DR  
West Linn, OR 97068

Please print name Grant Johnstone

Email Address grant.johnstone@johnstonefinancial.com Phone number 503.699.2929



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>As truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community that is being affected, LOT would certainly have been done differently and gotten the business community that will be directly impacted by this project meaningfully engaged from the beginning instead of pretending to engage the business community.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Thomas G Cocks  
Signature

3071 ARBOR Drive      WEST LINN, OR  
Address      97068

Please print name Thomas G. Cocks

Email Address WLMickey@AOL.com

Phone number \_\_\_\_\_



Any additional comments: As a resident of West Linn  
since 1962 (50 years) I definitely Do NOT  
support this action!

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

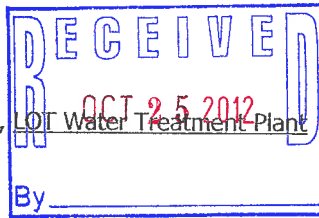
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) **Shape**: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

**(Location)**: The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature Diana M Graham

Address 2324 ATHENA ROAD WL

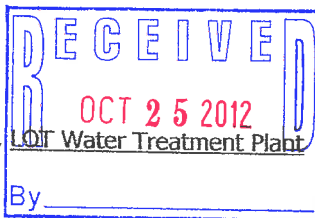
Please print name DIANA M GRAHAM

Email Address DIANAMGRAHAM@GMAIL.COM Phone number 503 656 6761

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

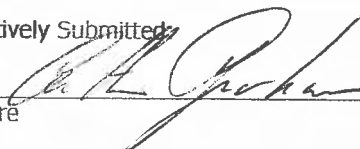
Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer**. It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature



Address

2324 Atherton West Linn

Please print name

Arthur Graham

Email Address

Phone number

503 6566761

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community that is being affected, LOT would certainly have been done differently and gotten the business community that will be directly impacted by this project meaningfully engaged from the beginning instead of pretending to engage the business community.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Marilyn Ikebe  
Signature

6670 Palomino Cir  
Address West Linn, OR. 97068

Please print name MARILYN IKEBE

Email Address \_\_\_\_\_

Phone number 503-656-7525



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that “All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community that is being affected, LOT would certainly have been done differently and gotten the business community that will be directly impacted by this project meaningfully engaged from the beginning instead of pretending to engage the business community.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

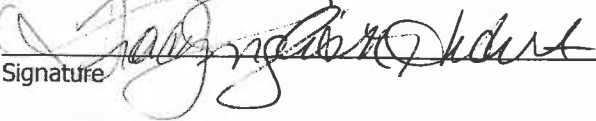
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

Please print name TRACY English-Hebert

Email Address Tracy.englishhebert@  
yahoo.com

(Hwy 43)  
422 S State ST Lake Oswego  
Address 97034  
\$ WORK  
at 19159 Willamette DR  
West Linn 97068

Phone number 971-267-4572

Any additional comments: If Curves is forced to close its doors at anytime during this 2+ year time frame, it will significantly impact my families finances negatively, not to mention all of the other employees here at Curves but at all of the other businesses in this mall - will have a huge impact on the communities finances as well since Walmart will most likely need to close their doors as well

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that “All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

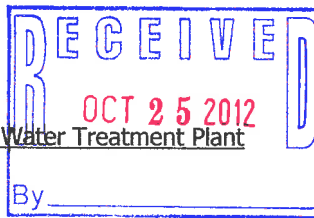
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, ~~LOT Water Treatment Plant~~

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community that is being affected, LOT would certainly have been done differently and gotten the business community that will be directly impacted by this project meaningfully engaged from the beginning instead of pretending to engage the business community.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

---

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Sandra R Braden  
Signature

19460 Wilderness Dr  
Address

Please print name Sandra R. Braden

Email Address bradens@wlwv.k12.or.us

Phone number 503-699-1037



Any additional comments: \_\_\_\_\_

Not only all the businesses losing money. any person who has health care providers along 43 will be impacted. What about our children, who have to walk to school through all of this mess?

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

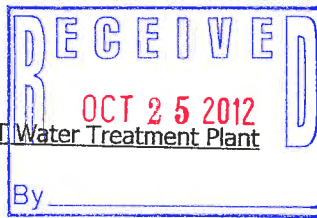
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature 

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

Address

19363 Wilkmette dr.

Please print name

Email Address

Phone number

Nick Gillie

nickgillie@msn.com

503-636-7617

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**



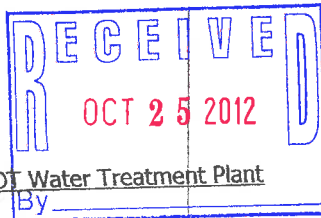
**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpez@westlinnoregon.gov

TO: West Linn Planning Commission  
RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a regional Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a Revenue Generating Agreement between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed impulse sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

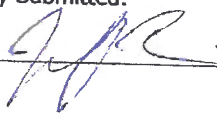
Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because this plan is a neighborhood killer, a business killer and a job's killer. It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature



Address

19363 WILLAMETTE DR #108

Please print name

JEFF MORRISON

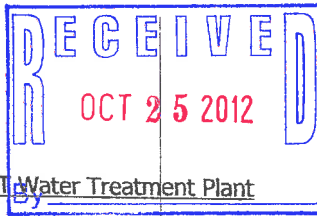
Email Address

jeffmorrison@lynninvestments.com

Phone number

(503) 636-9000





TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline

Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature

Address

Please print name

Email Address

Phone number

*Diana Orourke*

19363 WILLAMETTE DRIVE #108

DIANA OROURKE

dianarourke@yaninvestments.com

503-636-9800

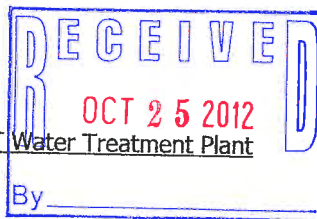




TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



Letters can be mailed to:

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

Handwritten signature in blue ink, consisting of the letters "NB" in a stylized, cursive font.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

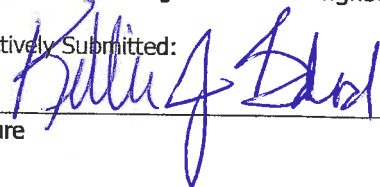
Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature



Address

19431 Wilderness Dr.

Please print name

Kellie Bedard

Email Address

Phone number

503-635-5464

Any additional comments: \_\_\_\_\_

Please don't allow this to go through!

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

<b>Phase</b>	<b>Truck trips per Hour<sup>2</sup></b>	<b>Typical work hours</b>	<b>Anticipated start of construction window</b>	<b>Anticipated end of construction window</b>
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



Letters can be mailed to:

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be "Cody M. ...", written over a horizontal line.



Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature

17319 ~~SW~~ Novato Ln.

Address

Please print name

Cody McClure

Email Address

Phone number

503 3410034



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips).

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period.



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant and Pipeline

Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature \_\_\_\_\_

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature \_\_\_\_\_

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
Signature

17319 sw Navato Ln.  
Address  
~~XXXXXXXXXX~~

Please print name Chase Beclard

Email Address \_\_\_\_\_

Phone number (503) 635 5464





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be the initials "W.N." written in a cursive style.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

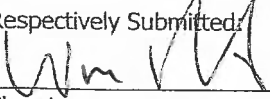
West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

Please print name William Neil

Email Address \_\_\_\_\_

Phone number 503-807-0022



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be "Z. Pelz", written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time, Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

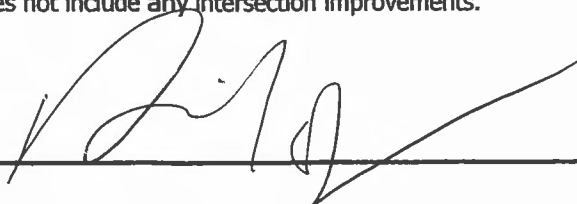
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

A handwritten signature in black ink, appearing to be 'R. J. ...', written over a horizontal line.

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

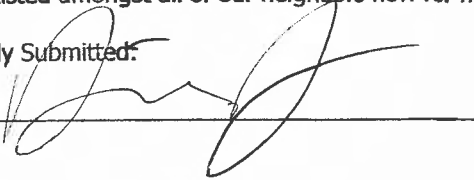
Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Signature



Address

15933 Lake Forest Blvd

Please print name

Diana Fornof

Email Address

dmfornof@yahoo.com

Phone number

971.255.8182



**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

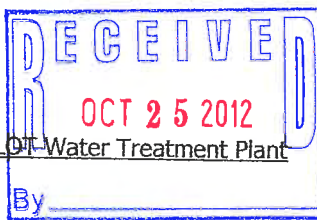
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

MS

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

13



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature

Address

Please print name

Email Address

Phone number

Pete Bedard

19431 Wilderness Drive

PETE BEDARD

PETE.BEDARD@GMAIL.COM

503-635-5464



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. (This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature Glenda Waddle

Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

*Glenda Waddle*

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Glenda Waddle  
Signature

19363 Willamette Dr. #108  
Address  
West Linn, OR 97068

Please print name Glenda Waddle

Email Address glendawaddle@great  
northwestpropertiesmanagement.com

Phone number 503-636-9000





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

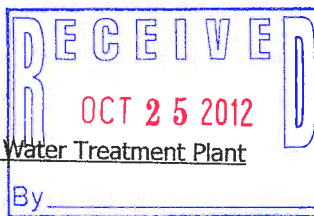
**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12			576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60:070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in cursive script that reads "Amanda Dunlap".

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

*Amanda Dunlap*

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer**. It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

LaFonda Dunlap  
Signature

19155 Willamette Dr  
Address  
Robinwood Shopping Center  
97068

Please print name LaFonda Dunlap

Email Address lafonda@dunlap@gmail.com Phone number 503-636-4730

MagnoliaBoutique@QuestOffice.net

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

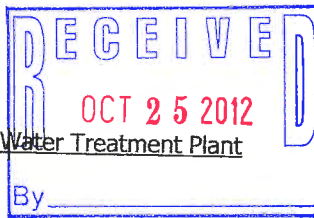
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**

West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

*Valaromous*

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Valarrie Mouser  
Signature

19155 Willamette Dr. West Linn  
Address Robin Wood Shopping Center

Please print name Valarrie Mouser

Email Address magnoliaboutique@qwest.net Phone number 503-636-4730  
Valmouser@yahoo.com

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips. (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

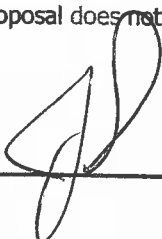
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectfully Submitted:

Signature

Address

Please print name Jason Schlenker DC, DAC BSP

Email Address \_\_\_\_\_

Phone number 503 908 0582





**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup> Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup> All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup> HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

*Rama Reyes*

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

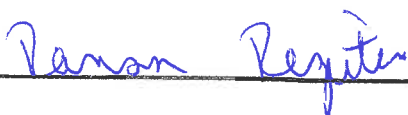
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Ramon Register  
Signature

19129 Willamette Dr.  
Address

Please print name Ramon Register

Email Address curveswestlinn@yahoo

Phone number 503635-3410



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

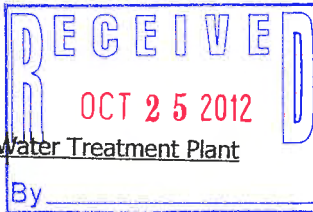
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in black ink, appearing to be the initials "BR" or similar, written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

BR

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Brad Rakes - Linn City Pub  
Signature

19389 WILLAMETTE DR. WEST LINN  
Address

Please print name Brad Rakes

Email Address ranger@canby.com

Phone number 503-675-8833

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

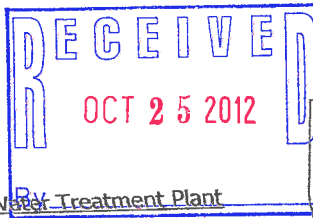
Chart from p. 11 of Construction Management Plan

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.

It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.

Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips. (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.

These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.

This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.


Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:  
  
\_\_\_\_\_  
Signature

19363 WILLAMETTE DR. #108  
WEST LINN, OREGON 97068  
\_\_\_\_\_  
Address

Please print name William MORE

Email Address William@MORE@LYNNPROPERTIESLLC.COM Phone number 504-220-2381

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour were **doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on p. 10 of the Construction Management Plan.

**RWP and FWP Truck Trips**

<u>Phase</u>	<u>Truck Trips Per Hour (1 way)</u>	<u>Work Hours/Day</u>	<u>Days in Construction Window</u>	<u>Total Truck Trips</u>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

**Chart from p. 11 of Construction Management Plan**

**Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>**

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HCC construction via Marlette Drive - ramp A	2	7am to 7pm	May 2014	October 2014
HCC construction via Marlette Drive - ramp B	2	7am	7am	7am
Driving construction of Marlette Drive	2	7am to 7pm	November 2014	March 2015
Driving construction of Highway 40	2	7am to 5pm	June 2014	August 2015

<sup>1</sup> HCC construction via Marlette Drive - ramp A and ramp B are concurrent activities.

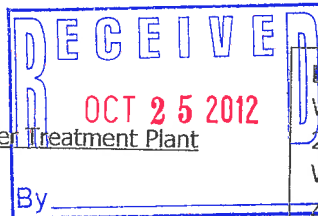
<sup>2</sup> Truck trips per hour based on average of 100 trucks per hour.

HCC construction via Marlette Drive - ramp A and ramp B are concurrent activities.

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



Letters can be mailed to:

West Linn Planning Commission

22500 Salamo Road

West Linn, OR 97068 or emailed to

zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink that reads "Judy Hunter". The signature is written over a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

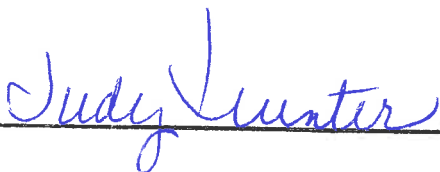
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Judy Hunter  
Signature

2337 Taylor Dr  
Address

Please print name Judy Hunter

Email Address \_\_\_\_\_

Phone number 435-729-0910

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that “All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	3	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>Truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline



Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years — all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink that reads "Pauline Vandenstrasser".

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Pauline Vorderstrasse  
Signature

1230 Fawcett Ct  
Address

West Linn, OR

Please print name PAULINE VORDERSTRASSE

Email Address \_\_\_\_\_

Phone number 503-655-5620



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant  
and Pipeline

RECEIVED  
OCT 25 2012  
By \_\_\_\_\_

Letters can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

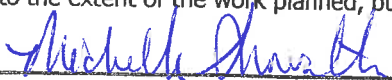
Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years -- all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature



**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

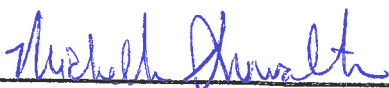
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Michelle Showalter  
Signature

19678 White Cloud Circle  
Address

Please print name Michelle Showalter

Email Address mshowalter@llw.com

Phone number (503) 805-1702

Any additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank You!

**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

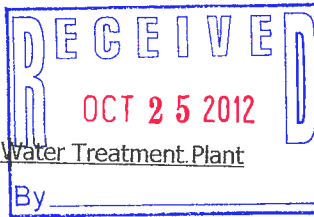
<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, ~~LOT~~ Water Treatment Plant  
and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner...the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

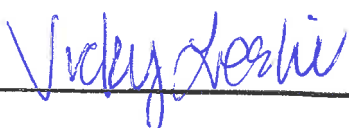
I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature





60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Vicky Leslie  
Signature

23400 Johnson Rd West Linn  
Address

Please print name Vicky Leslie

Email Address \_\_\_\_\_

Phone number 503-650-3869



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that “All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached: R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature

*Becky Boergadine*

60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Becky Boergadine  
Signature

2939 Hunter Way West Linn  
Address

Please print name Becky Boergadine

Email Address \_\_\_\_\_

Phone number 503-655-5551



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (I.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**



Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase <sup>1</sup>				
Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

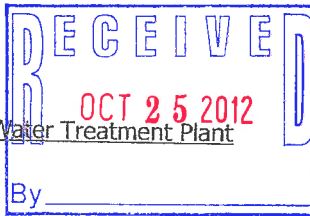
<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD outback activities will occur once over a continuous 24- to 48-hour period

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership, LOT Water Treatment Plant

and Pipeline



**Letters can be mailed to:**  
West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068 or emailed to  
zpelz@westlinnoregon.gov

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit.

Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met. More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing the following criteria:

1. The characteristics of the site are suitable for the proposed use considering location etc.
2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

In regard to the two issues above, I do not believe that there is any "community benefit" to West Linn or the Robinwood Neighborhood. Additionally, the facility is not consistent with the overall needs of the community. Most of the benefits that the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

More specifically, CDC60.070 (A)(2) Shape: The "cross" shape of the applicant's property exposes residences located at the "interior corners" of the site to noise, dust, traffic and light impacts from the operation of the plant and, particularly, the same impacts from construction. The proposal is not compliant.

(Location): The site is not in compliance with 60.070(A)(2) with regards to location. The sheer scale or mass of the facility is not appropriate. The size and height lower property values, reduces privacy, attracts industrial traffic, reduces the visual experience and imposes impacts that reduce residents' quality of life. The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Walmart Super Store or a similar big box store. The 3 story WTP is proposed to be a **regional** Water treatment plant. It simply does not belong in a residential neighborhood where the predominant housing type is ranch style occupied by families.

CDC60.70 (A)(2) requires that the site must be safe geologically and topographically. Engineers now know that the site is not stable due to a high liquefaction factor. The proposal is not compliant. Additionally, the location of the intertie is not a factor in location as claimed by the applicant. It will be located any place near the finished water pipeline. The location of the intertie does not determine the location of the WTP.

Also, West Linn has a policy of opposing development in the Stafford Triangle. This proposal assumes an eventual allocation use of water produced by this plant expansion to the Stafford Triangle.

60.070(A)(3) requires that the proposal provide a facility that is consistent with the overall needs of the community. West Linn provides sufficient water for itself. Other benefits claimed in the application are quite limited. The intertie already exists. Additional benefits are non-existent until West Linn expands the size of intertie. Water required during the replacement of Bolton Reservoir is only a benefit if West Linn continues to locate the reservoir in the same seismically and geotechnical impaired site.

Additionally, West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday unless we are spared some Sunday work as LOT has indicated may happen under normal conditions. If they did work on Sunday, there would be 89,472 truck hauls in the neighborhood and if they did no Sunday work whatsoever and the job finished on time and the job ends on the first day of the month on the month cited by LOT for the job ending, the total number of truck trips for the job would be 77,760. And this does not include additional vehicular traffic. Please see the attached Calculation sheet. West Linn Citizens will be subjected to this type of construction for 6 or 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between two other cities, Lake Oswego and Tigard that most likely will cause irreparable harm to the citizens of West Linn and destroy the good neighbor policies of West Linn. Please do not let them divide our community.

In addition, West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 6 to 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, will be lifechanging in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access. West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens, not the cities of Lake Oswego or Tigard. Due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

Signature

A handwritten signature in blue ink that reads "Kathryn Wade". The signature is written in a cursive style and is positioned above a horizontal line.

**Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is an industrial expansion in a residential area.**

**It does not meet the overall needs of the community since it will cause havoc on a residential neighborhood and will create economic hardship to the community due to the loss of businesses and jobs as a result of the extensive highway construction and bottleneck traffic that it will create even with highway work being done in the evening.**

**Based upon calculations using the information provided by the Lake Oswego Tigard report i.e. pages 10 and 11 of the Construction Management Plan, there will be an exorbitant number of additional 89,472 of truck trips, (please see calculations attached), in addition to the other construction related vehicular traffic. This will create bottle neck traffic on a highway that already had high traffic counts.**

**These numbers could change depending on how many Sundays they work, depending if they will work for the entire last month or only to the first of the last month (we have been conservative and calculated that they would only work to the first of the last month, and depending upon how much extra vehicular traffic this work brings to the area, which is anticipated to be significant, in addition to the extra number of vehicles used to simply bus the workers in and out each day. In addition this project very likely will not wrap up on time. Please see the calculations attached.**

**This will effectively route people away from the businesses in the area for an extensive amount of time and make it exceedingly difficult for residents to live their daily lives.**

There also was insufficient notice to the business community. LOT states that they provided notice to businesses, but it now appears from what they are now saying that their concept of notice was in the form of some general handouts and mail outs to some businesses during the busy Christmas Holidays of 2011. Some would suspect that LOT did not want the business community involved since they chose to do what they did during the busy Christmas Holiday season. There was a total lack of any emphasis of delivering the handouts to the owners of the business, but merely to people working at the location as almost none of the business owners were aware of this proposal until a week or two ago. If LOT was sincere in their efforts to engage the local business community LOT would have gone about this differently. It would have directly contacted the owners of the businesses and discussed this matter with them straight up in a meaningful way instead of feigning contact with the business community by sending generic mail by regular deliver in the middle of the holiday season or dropping off materials to employees during the busy holiday season.

This project will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

The proposal also does not comply with the applicable policies of the Comprehensive Plan since, among other things, LOT has deceptively tried to state that they provided meaningful notice which temporarily and initially minimized certainly businesses involvement. The residential area and the business community on Highway 43 are not being protected from the negative impact of this development. Additionally, this proposal will create an expansion of incompatible land use.

Also, the applicable requirements of the zoning laws are not being met since the zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial and what is being proposed is inconsistent with this classification since the Comprehensive Plan Map lists the entire neighborhood as Low Density residential.

LOT wants it both ways. LOT exempts itself from an election to approve the easement through Mary S. Young Park because Mary S. Young is a State owned park. But then claims the improvements to the park required by ODFW benefit the citizens of West Linn. It seems that they benefit the owner....the State of Oregon. If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park.

I do not believe that a redundant I205 Crossing is in the 2008 Water Master Plan, particularly at a site as bad as the Robinwood crossing. A Robinwood crossing is not a legitimate benefit to West Linn.

I urge the City Planning Commission members to please keep in mind that some of the benefits claimed by LOT are paid for by the citizens of West Linn and they are required. The costs to the citizens of West Linn which is "huge" and extensive should be included in the calculation of benefits with the required net result being positive.

Additionally, 60.070 (C)(6) says the City may require (by conditions of approval) the "street to be improved, including all steps necessary to address future street improvements identified in the adopted master plan". This plan does not do this. LOT should be required to improve the streets and sidewalks to the standards of the master plan.

60.070 (C)(7) says that the City may require that intersections should be improved to levels indicated in the master plan or fees paid in lieu. This proposal does not include any intersection improvements.

Signature



60.070(C)(4) allows the City to lower the building height to 2 stories so the building would be in compliance with the Robinwood Neighborhood Plan with regards to height and be more compatible with surrounding properties.

60.090(A)(1) requires that reconstruction of highways, roads, bridges etc. be consistent with the West Linn transportation plan. This plan does not do this.

Chapter 55.100(B)(6)(b) requires that the proposed structure(s) shall be compatible with the existing structures on the site and adjoining sites. Contextual design is required. The proposed water treatment plant is in no way in compliance with this paragraph. I am not sure it is even possible.

The applicant is not in compliance with In 55.100(B)(6)(c). The applicant has attempted to have a step down transition on two sides but it is not successful. The lower structures add to the bulk as they do not adopt the design features of the large building. Neither is contextual.

The LOT pipeline is not in compliance with 60.070(A)(2) with regards to location. The 42" and 48" pipelines are too large to fit into the available right of ways without damaging existing infrastructure. The construction is too invasive and creates too many unsafe conditions for residents. The size of the pipes is regarded in the community as unsafe in a residential area. The pipeline should be located elsewhere.

Unless the applicant can meet levels of allowed **impulse** sound specified in chapter 55.100(D) on highway 43 during nighttime work, the night time working hours should be limited to 6:00 PM to 9:00PM to allow residents to sleep. Regardless of the work hour impulse sound standards should be met. Chapter 60 allows the hours of work to be adjusted by condition. Keep in mind, evening work hours will not be productive for restaurants either.

Undergrounding of utilities in the right of way being improved may be conditioned under 60.070(C). The application does not propose undergrounding utilities on Mapleton, Kenthorpe or Highway 43 even when the utility is in the path of said construction. It seems that when the ground is open is a good time to underground utilities. Undergrounding utilities is a goal in the Comprehensive Plan.

West Linn government should be watching out for our best interests of the residents and businesses of West Linn. West Linn residents and businesses should not suffer or be required both directly and indirectly to subsidize the construction and operation of this plant.

Nowhere in this proposal or in conditions of approval are contracts for services required. These must be required.

LOT does not pay property taxes, and in 50 years has not paid any franchise fees or transportation fees which shows extraordinary favoritism to LOT over citizen which is unacceptable. Any conditions of approval, which we are vehemently against, must require cost recovery contracts with City and County agencies.

I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens and business and jobs of West Linn because **this plan is a neighborhood killer, a business killer and a job's killer.** It will also kill the great neighborly spirit that has existed amongst all of our neighbors now for many years and permanently divide our community.

Respectively Submitted:

Kathryn Wade  
Signature

19603 Derby Ct W.L.  
Address

Please print name KATHRYN WADE

Email Address \_\_\_\_\_

Phone number \_\_\_\_\_



**Calculations only for Truck Traffic. (These calculations do not include any additional vehicular traffic whatsoever, which should be significant):**

- In the Brown Caldwell Lake Oswego-Tigard Water Partnership report, it states in footnote 2 at page 11 that "All truck trip volume reported is one-way (each round trip results in two (2) one-way trips). Therefore, all truck trips per hour **were doubled** to account for round trips (i.e. 2 Truck Trips per Hour X 2 = 4 Total 1 Way Truck Trips per Hour).
- All work hours were based on the typical work hours referenced in the chart (i.e. 7AM to 7 PM = 12 Hours).
- Days in the construction phase were calculated on the first of the stated month to first of the last month as seen on the chart below. If LOT was referencing from the first of the month to the last of the month, which would seem logical, this would increase the number of truck hauls by an extra thirty days of truck hauls for each period where LOT made this calculation i.e. HDD construction (via Mapleton Drive) normal and Open-cut construction on Mapleton Drive, and Open-cut construction on Highway 43 (i.e. March 1, 2014 to October 1, 2014 = 214 Days, November 1, 2014 to March 1, 2015 and June 1, 2014 to August 1, 2015).

All seven days of the week have been calculated. Lake Oswego Tigard have (LOT) has indicated that under normal conditions they will not be working on Sundays. So in those instances the calculation would need to be adjusted accordingly depending on how many Sundays that LOT did not work. If LOT did not work any Sunday at all, which is not anticipated, after deducting for all of the Sundays, the total of truck traffic hauls would be 77,760 trucks. **Please note that this is only a count of traffic for truck traffic and not any additional vehicular traffic created by the work being done.**

These calculations are based upon the job being completed timely which from experience is rare due to the invariable unforeseen circumstances that inevitably arrive. So in that instance the numbers will also need to be adjusted upward.

- **HDD Construction (via Mapleton) - Pullback** calculated at 12 one way trips per hour (again 6 Truck Trips per Hour are doubled to account for round trips) over a continuous 48 hour period. This is described in detail on **p. 10 of the Construction Management Plan.**

**RWP and FWP Truck Trips**

<b><u>Phase</u></b>	<b><u>Truck Trips Per Hour (1 way)</u></b>	<b><u>Work Hours/Day</u></b>	<b><u>Days in Construction Window</u></b>	<b><u>Total Truck Trips</u></b>
HDD Construction (via Mapleton) - normal	4	12	214	10,272
HDD Construction (via Mapleton) - pullback	12	-	-	576
Open-Cut Construction on Mapleton	12	12	120	17,280
Open-Cut Construction on Mapleton	16	9	426	61,344
<b>Total number of just truck trips</b>				<b>89,472</b>

**If no work whatsoever is done on Sunday and the job finishes on time and the job ends on the first day of the month cited by LOT and not the last day and the job does not take longer than anticipated, the total number of truck trips for the job would be 77,760 and not 89,472. ( This excludes all additional vehicular traffic.)**

Chart from p. 11 of Construction Management Plan

Table 3. RWP and FWP Truck Trip Volume by Phase<sup>1</sup>

Phase	Truck trips per Hour <sup>2</sup>	Typical work hours	Anticipated start of construction window	Anticipated end of construction window
HDD construction (via Mapleton Drive) – normal	2	7 a.m. to 7 p.m.	March 2014	October 2014
HDD construction (via Mapleton Drive) – pullback	6	NA <sup>3</sup>	NA <sup>3</sup>	NA <sup>3</sup>
Open-cut construction on Mapleton Drive	6	7 a.m. to 7 p.m.	November 2014	March 2015
Open-cut construction on Highway 43	8	8 p.m. to 5 a.m.	June 2014	August 2015

<sup>1</sup>Additional daily truck trips will result from WTP construction activities which are not included in this table.

<sup>2</sup>All truck trip volume reported is one-way (each round trip results in two (2) one-way trips)

<sup>3</sup>HDD pullback activities will occur once over a continuous 24- to 48-hour period