

## ATTACHMENT A

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Letter to Michael Babbitt from Edward J. Sullivan  
Temporarily suspending proceedings on the WTP  
May 16, 2012





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GARVEY SCHUBERT BARER

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Please reply to EDWARD J. SULLIVAN  
esullivan@gsblaw.com  
DID 503-553-3106

May 16, 2012

Michael Babbitt, Planning Commission Chair  
City of West Linn  
22500 Salamo Road #1000  
West Linn, OR 97068

Re: Lake Oswego Water Treatment Plant Application; File No, CUP 12-02/DR  
12-04

Dear Chair Babbitt and Commissioners:

I received revised instructions from my client through the Oversight Committee for the Lake Oswego-Tigard Water Project. That Committee, made up of the Mayor and a City Councilor from each city, has met and provided me with the instructions set forth in this letter.

The Oversight Committee has heard the concerns expressed by West Linn Planning Commissioners and the public over this project. We believe a number of significant concerns can be alleviated if the Commission would allow us to do three things:

1. Consolidate the Current Water Plant Land Use Proceedings with the Future Pipeline Applications to Allow the Entire Project to Be Reviewed

We heard that it would be beneficial to the Commission and the public to have the entire water project available for review at the same time. The pipeline permit applications could not be filed at the same time as the water treatment plant applications because of the need to acquire permits from other agencies that were not in hand and the need to provide sufficient technical information to support those applications. We expect to have those applications ready for filing in the near future. We request that the proceedings for the water treatment plant project be consolidated with the pipeline applications for hearings purposes and would request an extension of the 120-Day Rule to accommodate a decision that would result from the consolidated hearings.

2. Partnership Discussions with the City of West Linn Regarding Water Supply

The issue of public benefit to the City of West Linn was exhaustively discussed during the Commission hearings. As the Commission knows, there is an existing Intergovernmental



Agreement ("IGA") among various water suppliers in the area. That agreement allows for use of water among the participating jurisdictions on an emergency basis. The Cities of Lake Oswego and West Linn are in the process of considering revisions to that agreement. The City of West Linn has need for a reliable supply of water, a need that can be better met by the Partnership in the future. The additional time would allow the parties to discuss the terms of a new arrangement to serve the water needs of the City of West Linn.

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

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

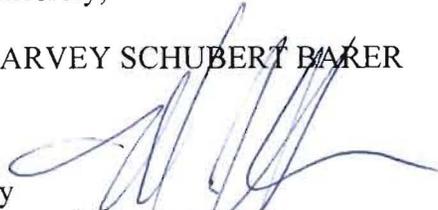
For these reasons, the Partnership thus requests that the existing proceedings be suspended until the pipeline permits can be consolidated for hearing with the current applications. That suspension would allow the above objectives to be met and an opportunity for the project to be more fully discussed by the public and decision-makers.

Thank you for your time and consideration of the above.

Sincerely,

GARVEY SCHUBERT BARER

By

  
Edward J. Sullivan

EJS:kms

cc: Pam Beery  
Chris Kerr

## ATTACHMENT B

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West Linn Parks Director, Ken Wooster  
email June 18, 2012



**From:** Eric Eisemann [e.eisemann@e2landuse.com]  
**Sent:** Tuesday, June 19, 2012 12:27 PM  
**To:** Wobbrock, Nick  
**Cc:** Eric Day  
**Subject:** FW: LO Waterline

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

Nick,  
Please add this email to your correspondence from Ken Wooster to your final PDF "Correspondence" tab for the RWP application.  
Thanks,  
Eric

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**From:** Day, Eric [<mailto:eday@ci.oswego.or.us>]  
**Sent:** Monday, June 18, 2012 4:59 PM  
**To:** [e.eisemann@e2landuse.com](mailto:e.eisemann@e2landuse.com); Komarek, Joel  
**Subject:** Fw: LO Waterline

Response from Ken.

*Connected by DROID on Verizon Wireless*

-----Original message-----

**From:** "Worcester, Ken" <[Kworcester@westlinnoregon.gov](mailto:Kworcester@westlinnoregon.gov)>  
**To:** "Day, Eric" <[eday@ci.oswego.or.us](mailto:eday@ci.oswego.or.us)>  
**Sent:** Mon, Jun 18, 2012 23:49:14 GMT+00:00  
**Subject:** LO Waterline

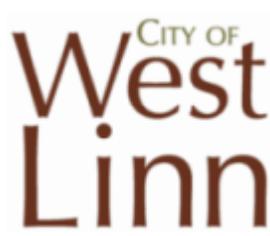
Hi Eric,

If you feel chapter 56 - Parks Design Review is relevant to your Land Use requirements for the new waterline, please do initiate the application on our behalf.

Thanks,

Ken Worcester

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 Ken Worcester  
[Kworcester@westlinnoregon.gov](mailto:Kworcester@westlinnoregon.gov)  
Interim Public Works Director  
22500 Salamo Road, Box 1100  
West Linn, OR 97068  
P: (503) 723-2555  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)



## ATTACHMENT C

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West Linn Arborist Review, Mike Perkins  
email June 13, 2012



**From:** Perkins, Michael [Mperkins@westlinnoregon.gov]  
**Sent:** Wednesday, June 13, 2012 12:31 PM  
**To:** Wobbrock, Nick; Day, Eric; Eric Eisemann  
**Cc:** Oveson, Pete  
**Subject:** RE: West Linn Tree Protection Plan for LO-Tigard Proposed Pipeline Construction

I have read through it and it looks like it reflects what Kay and I talked about in the field. There may be slight changes to the plans as we move through construction, due to the linear nature of the project, but I don't foresee anything major.

 Michael Perkins  
[Mperkins@westlinnoregon.gov](mailto:Mperkins@westlinnoregon.gov)  
City Arborist/Park Development Coordinator  
22500 Salamo Rd.  
West Linn, OR 97068  
P: (503) 723-2554  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

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

**From:** Wobbrock, Nick [<mailto:nwobbrock@BrwnCald.com>]  
**Sent:** Tuesday, June 12, 2012 12:41 PM  
**To:** Day, Eric; Perkins, Michael; Eric Eisemann  
**Cc:** Oveson, Pete  
**Subject:** West Linn Tree Protection Plan for LO-Tigard Proposed Pipeline Construction

A file has been sent to you via the **YouSendIt** File Delivery Service.

Download the file - [7 - Arborist Report FINAL.pdf](#)

Your file will expire after 14 days.

Mr. Perkins,

Per a request from Eric Day of the City of Lake Oswego, I'm sending you a link to tree protection plan for the proposed pipeline construction in West Linn for the Lake Oswego – Tigard Water Partnership. Just wanted to run the WL Tree Protection Plan by you before we submit the plan in the land use application. A few highlights of the plan include the following:

- No significant trees will be removed.
- Tree protection is shown on the figures, and will be incorporated into the contract bid documents as shown.
- The attached plan meets the City of West Linn's code requirements.

If we don't hear back from you, then we assume you find no conflict with the plan. Our interest is to make a plan that conforms to the City of West Linn standards and that the plan is in the most clear and useful format possible for West Linn officials to evaluate the proposed tree protections.

Thank you,

**Nicholas Wobbrock, P.E.**

Brown and Caldwell

[nwobbrock@brwncald.com](mailto:nwobbrock@brwncald.com)

T 503.820.5638 | C 503.705.7720

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## ATTACHMENT D

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Regional Water Providers Consortium Board  
Support Letter  
June 6, 2012





June 6, 2012

Mr. Joel Komarek  
Program Director  
Lake Oswego-Tigard Water Partnership  
Lake Oswego, OR 97034

Re: Support for the Lake Oswego-Tigard water supply project

Dear Mr. Komarek:

The Regional Water Providers Consortium Board supports the Lake Oswego-Tigard Water Partnership plans to fund, build, and operate shared municipal water supplies facilities based on source water from the Clackamas River. In a time where the public demands local government act in an responsible manner, this project represents an important example of three communities coming together to maximize project benefits, while honoring a broader commitment to proper management of critical natural resources and basin-wide environmental stewardship.

This project sets a high standard for intergovernmental cooperation among local jurisdictions, state and federal agencies, and private and public stakeholders of all kinds, and is in keeping with one of the key strategic challenges of the Consortium's 5-year Strategic Plan to build better regional partnerships. At the center of this project is the need for water, balanced with environmental protection, managed land use, fiscal accountability, and social responsibility. The completion of this project builds on the importance of coordinated water supply planning within the Portland region and is a model of integrated water supply planning, as was anticipated by the Regional Water Supply Plan of 2004.

The Regional Water Providers Consortium is a collective of 23 water providers who individually are tasked with serving our constituents in a responsible and professional manner. The Lake Oswego-Tigard Water Partnership is a prime example of achieving that task in a coordinated manner that seeks to find sub-regional solutions in an efficient and cost effective manner.

Sincerely,

John Rosenberger  
Vice-Chair, Regional Water Providers Consortium Board

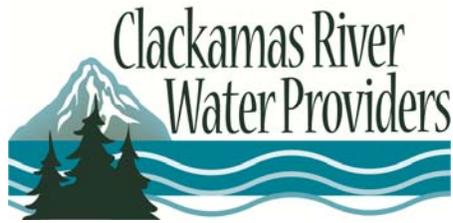


## ATTACHMENT E

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Clackamas River Water Providers  
Support Letter  
March 8, 2012





14275 S. Clackamas River Drive \* Oregon City, OR 97045

Voice: (503) 723-3510 \* Fax (503) 723-3508

March 8, 2012

Mr. Joel Komarek  
Program Director  
Lake Oswego-Tigard Water Partnership  
Lake Oswego, OR 97034

Re: Support for the Lake Oswego-Tigard water supply project

Joel:

As chair of the Clackamas River Water Providers, I am pleased to publically announce our group's support for the Lake Oswego-Tigard Water Partnership and its plans to fund, build, and operate shared municipal water supplies facilities based on source water from the Clackamas River. In a time where the public demands local government act in an responsible manner, this project represents an important example of three communities coming together to maximize project benefits, while honoring a broader commitment to proper management of critical natural resources and basin-wide environmental stewardship.

This project sets a new standard for intergovernmental cooperation among local jurisdictions, state and federal agencies, and private and public stakeholders of all kinds. At the center of this project is the need for water, balanced with environmental protection, managed land use, fiscal accountability, and social responsibility. The completion of this project will mark the beginning of a new era in coordinated water supply planning within the basin and the model of integrated water supply planning in the region.

As members of the Clackamas River Water Providers, we are tasked with serving our constituents in a responsible and professional manner. The Lake Oswego-Tigard Water Partnership is a prime example of achieving that task in highest regards to public interests. As the lead management team for the municipal water supply to six cities in Clackamas County and surrounding unincorporated areas, we offer our affirmation and full support toward a timely and successful completion of this endeavor. Let this letter serve as a formal public statement of the group's support for this project and offer toward full cooperation in achieving its objectives.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade E. Smith", with a stylized flourish at the end.

Chairman



## ATTACHMENT F

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Potential Benefits to Mary S. Young Park

Letter from Ken Wooster, Director of West Linn Parks and Recreation Department to Tim Wood, Director OPRD

March 23, 2012





# West Linn

March 23, 2012

Tim Wood, Director  
Oregon Parks and Recreation Department  
725 Summer Street NE, Suite C  
Salem, OR 97301

RE: Potential Benefits to Mary S. Young Park as Part of the Lake Oswego-Tigard Waterline Project.

Dear Tim,

As you know, there is a proposed project as a result of the Lake Oswego - Tigard Water Supply Partnership to construct a 48" water supply pipeline beneath a portion of Mary S. Young Park. As we understand the current proposal, this project would permanently impact a relatively small area of property above ground, and would also require a sub surface easement through a larger area.

In accordance with ORPD Policy #PSP.010, whenever the use of State Parks property is involved in a project such as this, there must be an easily demonstrable "overwhelming public benefit" in favor of State Parks and Recreation in exchange for relinquishing any State Parks property rights, whether by easement, exchange, lease or sale etc.

The City of West Linn Parks and Recreation Advisory Board (nearly one half of which volunteer extensively at this park) has developed and approved by motion, the following project list which either wholly or in part, could meet psp.010. Only the first item listed was determined in priority by our Board:

- Re-construction of the main paved trail to the Willamette River. (While this is more a capital maintenance project, this pathway is used by thousands of people annually and is in desperate need of work).
- A two acre restoration project of the Willamette River Bank at the Northern half of the park.
- Hand -pull English Ivy in 10 acres of the visually prominent areas of the park.
- Drainage improvements to the athletic fields.
- Enhance the seasonal access to Cedar Island by extending the floating bridge to meet the bank during the higher water season.
- Provide native plant material for the above mentioned areas cleared of ivy.

- Provide support funds for volunteers to continue work in the park e.g. trail construction, ivy removal and restorative planting.

We estimate the first four projects to cost in the \$15,000 to \$20,000 range each, and the final three projects to cost in the \$7,500 to \$10,000 each. We feel our Department has the capacity to manage any or all of the above projects if there is a benefit or value to State Parks to have us do so.

I hope you and the Oregon Parks and Recreation Commission find this list useful. There certainly are other opportunities to make improvements and provide benefits to this park, and if necessary, I can provide you further detail. Also, please let me know if you have any further questions after the Commission meeting next month.

Sincerely,



Ken Worcester, Director  
Parks and Recreation Department

## ATTACHMENT G

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ODOT Coordination Letter  
April 3, 2012





# Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

District 2B Sylvan

6000 SW Rabb Road

Portland, Oregon, 97221-1302

Phone: (503) 229-5002

Fax: (503) 297-6058

April 3, 2012

Joel Komarek  
City Engineering Manager  
City of Lake Oswego  
PO Box 369  
Lake Oswego, OR 97034

FILE CODE:



Joel,

In response to your question on the time of day for constructing the water pipe down Route 43, it has been our permitting practice on heavily traveled two lane highways to limit the work in the lane to periods of lower flow. To minimize the disruption to the traveling motorists and business along Route 43 we are limiting the work in the lane to start work at 8pm and be off the road open to traffic at 5am in the morning. We also expect the contractor to follow all local agency rules for work at night.

In response to your second question on the added supply trucks on Route 43, I asked Jess Brown from our Motor Carrier Unit his opinion. The email content is below underlined.

Hi Jess,

I have a permit coming up that involves construction of a 4 foot water pipe down Hwy 43 from West Linn to Tigard. A question came up on the increased supply truck traffic to and from the water treatment plant located at 4260 Kenthorpe Way in West Linn. The WTP is located approximately one half mile from Oregon Route 43. The expanded WTP will generate fewer than 20 new vehicle trips per week and will require approximately 1-2 chemical truck deliveries per week, roughly the same number as present. The quantity and type of chemicals are not substantially different from what has been coming to the site for the past 15 years. What is the highway rule on these trips?

Good Morning Bob,

The Oregon Department of Transportation adopts the Federal rules governing the transportation of Hazardous Materials. These rules have no restrictions from carrying hazardous materials in the area that is being discussed. All transporters of hazardous material must follow the rules in part 397 of the Federal Motor Carrier Safety Administration. The only restriction that I am aware of in the Portland area is on HWY 26 between I-405 and HWY 217. I have not heard anything from Clackamas County or the cities of West Linn or Lake Oswego.

Please let me know if you any other questions.

Jess

ODOT is not restricting supply trucks according to Federal, State and local rules.

A handwritten signature in cursive script that reads "Robert Ebeling".

Bob Ebeling  
Assistant District Manager  
District 2B Sylvan  
503-229-5002

## ATTACHMENT H

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DSL Acknowledgement of Pipeline Crossing Permit  
Tami Hubert, email June 6, 2012



**From:** Komarek, Joel [jkomarek@ci.oswego.or.us]  
**Sent:** Thursday, June 21, 2012 12:02 PM  
**To:** Wobbrock, Nick  
**Subject:** FW: 50653-EA

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**From:** Komarek, Joel  
**Sent:** Wednesday, June 06, 2012 5:30 PM  
**To:** 'HUBERT Tami'  
**Cc:** Oveson, Pete; Day, Eric  
**Subject:** RE: 50653-EA

*Thanks Tami. Best news I've had this week.*

*Joel*

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**From:** HUBERT Tami [<mailto:tami.hubert@state.or.us>]  
**Sent:** Wednesday, June 06, 2012 2:19 PM  
**To:** Komarek, Joel  
**Subject:** 50653-EA

Joel,

I have reviewed your application for the water supply pipeline crossing the Willamette River between Gladstone and West Linn. The application is complete and will be processed according to administrative rule.

***Tami Hubert***  
***Land Manager***  
Willamette Metropolitan Region  
Land Management Division  
Telephone: (503) 986-5272

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## ATTACHMENT I

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TVF&R Correspondence



## Oveson, Pete

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**From:** Mohling, Karen A. [Karen.Mohling@tvfr.com]  
**Sent:** Friday, June 22, 2012 12:44 PM  
**To:** Oveson, Pete  
**Subject:** RE: LOTWP/TVF&R Meeting summary 6/7/2012

Pete,

I have circled back with Captain Halley and your summary is accurate.

The Captain does not feel the need for another meeting – his main concern is that the station, and the fire district, receive the daily email reports once work begins.

Thank you,

Karen Mohling  
Deputy Fire Marshal  
**TVF&R**  
503-259-1512

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**From:** Oveson, Pete [<mailto:POveson@BrwnCald.com>]  
**Sent:** Wednesday, June 20, 2012 3:06 PM  
**To:** Mohling, Karen A.  
**Cc:** Aaron Eder; Eric Eisemann  
**Subject:** LOTWP/TVF&R Meeting summary 6/7/2012

Hi Karen,

I am sending a summary of our meeting that was held on Thursday, 6/7/2012. The following people were in attendance: Karen Mohling, Eric Eisemann, Aaron Eder, and Pete Oveson.

Please respond and let me know if you have any comments or if you think that our meeting is adequately captured in this summary.

Thanks!

### **Meeting Summary:**

We discussed the provided Traffic Plan, project coordination with TVF&R, and project benefits to TVF&R.

#### Traffic Plan

- The West Linn Land Use Application Traffic Memorandum prepared by DKS Associates was provided to TVF&R for review and comment.
- TVF&R does not have any comments regarding proposed Traffic Memorandum and felt that the proposed plan is reasonable and consistent with what is typically done for a construction project of this nature.
- TVF&R's *Fire and Life Safety Requirements for Department Access and Water Supplies* requires emergency response within 150 feet of any building for firefighting to enable the use of typical firefighting equipment. The project requirements that the contractor will immediately provide access to emergency vehicles in the work

zone and the work zone limit of 150 feet in length (on Mapleton Drive) are consistent with TVF&R's requirements.

### TVF&R Coordination

- A subsequent meeting will be held with the Captain of the Bolton Fire Station to discuss any additional considerations to response time and project coordination (what is the best way to get this scheduled?).
- During project construction, TVF&R Stations 57, 58, and 59 (Mountain Road, Willamette, and Bolton) will be notified via daily emails (we will need these email addresses at some point to include in the construction contract specs) of construction activities and location.
- TVF&R representatives will be invited to weekly construction safety coordination meetings. TVF&R has offered the use of the Bolton Station for these meetings; however, the contractor will make the ultimate decision regarding location of these meetings.

### Project Benefits to Public Safety

- The Project can provide reliable emergency water (for firefighting) in the City of West Linn and other areas under TVF&R jurisdiction.
- The Project will increase emergency water reliability by replacing a deteriorating 6" asbestos cement water line (owned by the City of West Linn) in Mapleton Drive with a new 8" ductile iron water line.
- The Project will increase emergency water reliability and availability by upgrading and replacing fire hydrants connected to the City of West Linn water main in Mapleton Drive.
- During construction the Project will provide three ways to access homes at the end of Mapleton Drive:
  - Through the construction work area via a 12-ft wide emergency access lane described in the Traffic Memorandum.
  - Around the project work area via a detour on Cedaroak Drive and Nixon Avenue.
  - An emergency access road will be available for TVF&R use through the Lake Oswego Water Treatment Plant site (i.e. emergency response can access Mapleton Drive via Kenthorpe Way).

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

