

EXHIBIT PC-4

PUBLIC COMMENTS

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

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

Robinwood Neighborhood Association LOTWP Mitigation List as adopted December 2011 with April 2012 Status & Comments

Treatment Plan - Design and Operation

	Page line also	Status with LOTWP	GNC Comments	LOTWP Aug. 2012 Response
1	X	Requested	ORS 30 273 limits LOTWP liability for property damage to \$101,400 for a single claimant and \$506,800 for multiple claimants per incident and for personal injury or death, to \$589,700 for a single claimant and \$1,086,700 for multiple claimants. The client's CIS insurance does not cover a water leakage or overflow event, only negligence, which is virtually impossible to prove in court and to collect on.	Risk management fund of \$1.5M to be established for 10 years, program-wide, for compensable damages, beyond other insurance coverage limits, caused by failure of WTP or pipelines. TRANSITION TO AM
2	X	Requested	Given the industrial nature of CUP inclusion into residential zone, property value impacts need to be determined for mitigation. LOTWP claims to have done 2 appraisals, but has not produced them.	Each property owner in the Maple Grove Plat received two confidential appraisals, both of which showed no change in value as a result of WTP upgrade. Public release of this information is at sole discretion of property owners.
3	X	Requested / Agreed	Off site tree replacement not likely given present site plan	Already agreed, see WTP landscape plan.
4	X	Requested	Benefit to Robinwood for Construction Traffic impact to local access to the city facility.	
5	X	Requested on PG2-GMP	Benefit to Robinwood for construction impact. Pipeline crosses Trillium on Magdelon.	
6		Requested-but-revised for final agreement	Increased setbacks suggested by CDC 60 070 C.3. Compact plant design saves construction materials and long term energy usage and makes more space available for future expansion. LOTWP moved security perimeter to western property edge to the preclude preferred trail alignment.	Treat/emergency access has been moved away from easel property line with landscape buffer added. See drawings 11.0, 12.0A, and 12.4 at Tab 21 of 8/20/12 Land Use Application for WTP
7	X	Agreed	The plan required by TWR only covers emergency response personnel, not local residents. LOTWP currently proposes a reverse 911 system with web-based opt in for cell phones and internet phones. GNC seeks engineering to show path of potential overflows and response planning for severe water overflow events	Any WTP overflows, up to the WTP capacity, can be contained in onsite basins or discharged to the Willamette River without flooding the site or neighboring properties. This is documented in the Salsu Conatations Plan, pp. 5-6, included as part of Tab 18 of 8/20/12 Land Use Application for WTP
Treatment Plan - Construction				
1	X	Agreed	Residents should not have to search for responsible parties to remediate violation or other concerns.	Already agreed. See p. 5 of Construction Management Plan at Tab 14A of 8/20/12 Land Use Application for WTP and p. 14 of CMP at Tab 10 of 8/20/12 Land Use applications for pipelines.
2	X	Requested	This mitigation is included in many other intensive urban utility projects. WL Building Planning and Police are not equipped for real time enforcement of Conditions of Approval. There are no penalties for violations of construction related Conditions of Approval, therefore no disincentive.	Regular meetings with construction manager agreed per p. 5 of WTP Construction Management Plan and p. 14 of pipelines CMP. It's up to West Linn to determine how to verify compliance with approval conditions.

These items are sound ideas, to expedite timing at the neighborhood level. We anticipate that items would be tracked out into enforceable Conditions of Approval in cooperation with LOTWP and West Linn staff, with available engineering, planning and financial expertise. Many of these items refer to the pipeline portion of the project.

		Pipe line also	Status with LOTWP	GNCC Comments	LOTWP Aug. 2012 Response
3	Green construction practices, including all construction vehicles using Ultra Low Sulfur Diesel, limited vehicle idling and limited use of generators	X	Agreed	Some of these items are covered by current codes.	Already agreed specifics throughout 6/20/12 Land Use Application for WTP
	Fund to offset hardship residential sales during construction phase with defined circumstances in which this could be applied, e.g. when a person is unable to delay the home sale until after construction is completed due to death, health crisis, mandatory job relocation, etc.	X	Refused, proposed alternative	It will be virtually impossible to sell a property in the vicinity during the construction phase. Many local residents are elderly and may require relocation for care during the 3 year construction phase.	Partnership will provide information to neighbors and property owners to share with potential buyers re: WTP construction schedule, architectural and landscape improvements, site operations, asbestos cement water line replacement, and roadway resurfacing
	Separate the pathway, landscaping and perimeter screening/buffer contact from the plan construction contract to ensure these improvements are not dropped as a result of cost overruns.	X	Refused, proposed alternative	Protection of required landscaping and additional mitigations from a budget overrun.	Take Oswego has met all past, and is committed to meeting all future, conditions of approval. West Linn has ability to enforce its approval conditions if for some reason they are not met. Separate contract for landscaping offers no further assurances.
6	Construction workers may not park on local streets. Workers must park on-site or at designated off-street parking areas and busied to the worksite. Delivery trucks may not park or wait on residential streets. They must either enter the construction site or wait in designated off-site staging areas. Access to adjacent residential properties shall be maintained at all times.	X	Mitigation	3 related items regarding street access. Language must be enforceable. See Residential Streets - Construction Item 2. With a 10 acre site, what possible scenario requires off-loading or loading in the 20-24 ft wide residential street?	Already agreed, per pp. 12-13 of WTP Construction Management Plan (intermittent brief construction of roadways possible during delivery of oversized equipment to WTP) and pp. 9-14 of pipelines CMP
Residential Streets - Design & Improvement					
1	Hazard impact and response scenario for a pipeline break along the residential route to be developed and approved by the neighborhood		Refused	The plan required by TVFR only covers emergency response personnel, not local residents	In the unlikely event of a pipeline break, closure of the district isolation (shutoff) valve (located every 2,000 feet) by plant personnel or emergency responders limits the volume of water that could be released per pp. 6-7 of the Site Operations Plan, included at Tab 9 of the 6/25/12 Land Use Application for the pipelines. Chickasaw County reverse 911 notification is also available
2	Permeable path without swale or slightly wider pavement cross section with multi use lane striped & signed on one side of Mapleton. Fee-in-lieu for Half Street Improvement to be applied to an alternative eementy / cross-section on Mapleton, or to be applied elsewhere in Robersonwood Neighborhood		Required	West Linn Planning should develop the design of this required improvement with the affected property owners. The cross-section should be completed prior to the PC hearing	To be determined by West Linn and RNA
3	Given that construction activity will likely compromise the entire street section, the entire width of the current street pavement section, including the subgrade, shall be rebuilt to the current City Public Works standards		Mitigation	Agreed	Already agreed to resurface to West Linn standards both Mapleton, per p. 8 of Construction Management Plan for pipelines and Kenhorpe, per p. 9 of CMP for WTP
4	City ROW marked (survey stakes) ASAP to assist in design of final ROW.		Mitigation	Agreed	Survey work completed.
5	Concrete Absecon water lines replaced on Mapleton and Kenhorpe in cooperation with City of West Linn		Benefit or Required	Damage to fragile concrete asbestos lines on Mapleton by excavation and vibration will require replacement. Under proposed pipeline alignment, damage to lines on Kenhorpe due to traffic to be determined and cost shared with West Linn. LOTWP proposes only partial replacement.	Per agreement with West Linn, Partnership will fund replacement of Mapleton asbestos cement water line and will assist West Linn by designing and inspecting replacement of Kenhorpe asbestos cement water line with reimbursement by West Linn
6	Improves the hairpin intersection at Mapleton and Nixon (old item restored to this list per RNA reps at 6/16/12 meeting)				
7	Additional street lighting in reverts/curve of Mapleton (old item restored to this list per RNA reps at 6/16/12 meeting)				
Residential Streets - Construction					
1	Maintain daily access to all driveways / residences by vehicle with access closures limited to (DEFENSIBLE TIME HERE) Require the contractor to inform residents about all planned access closures by telephone, email and in writing at least 10 work days prior to a closure. Maintain one traffic lane open at all times on residential streets for emergency vehicle access.		Mitigation	Agreed	Partnership agrees to apply to street resurfacing work similar access standards as listed on pp. 13-14 of the Construction Management Plan for pipelines.
2	Off-street staging area required. No loading, unloading or staging of equipment or materials on residential streets, except materials (pipe and fill) for immediate placement into excavation. No equipment or materials in ROW after work hours, except construction safety and warning devices		Mitigation	Language must be enforceable. See Treatment Plan - Construction Item 6. With a 10 acre site, what possible scenario requires off-loading or loading in the 20-24 ft wide residential street, except for backfill and pipeline segments	Partnership agrees to coordinate with West Linn and neighbors acceptable standards for accomplishing street resurfacing work efficiently and safely with acceptable traffic impacts

		Pipe line also	Status with LOTWP			LOTWP Aug. 2012 Response
3	Temporary information signs and lights on Hwy43 and Niton intersections to indicate street closures and local access conditions on Magaleen and Kenilbor.	Mitigation	Agreed	Giving ahead users real time information regarding temporary closures will reduce congestion.		Agreed, acceptable condition of approval.
4	Relocate Storm Water Grate at Hwy 43 & Mapleton to a location out of the Mapleton travel lane	Benefit	Agreed	This surface water intake is in the path of proposed pipeline construction		Agreed, acceptable condition of approval.
Hwy 43 – Design and Improvement						
1	Sidewalk or buffered multi-use path on one side of Hwy43 through the entire business district, north to West Lum city limits	Benefit	Relaxed-	All of these potential improvements are requested based upon the opportunity created by the construction disruption. All of these potential improvements are requested based upon the opportunity created by the construction disruption. Cooperative effort shared between LOTWP, West Lum, ODOT and METRO.		
2	Left turn lanes at Arbor Dr., north and southbound	Benefit	Relaxed-	Given the time frame for the construction phase, there is sufficient time for cooperative efforts. If not now, when will these overdue safety projects ever get done?		
3	Pedestrian safety islands at Cedarbrook and Arbor.	Benefit	Relaxed-	Given the time frame for the construction phase, there is sufficient time for cooperative efforts. If not now, when will these overdue safety projects ever get done?		
Hwy 43 – Construction						
1	Maintain 2-way traffic with cones wherever width of ROW allows. Minimize 1-way traffic and flagging to as absolutely necessary, not the default	Mitigation	Required ODOT	Night construction would alleviate most of this concern		ODOT has directed night work (8 pm to 5 am typically) along Hwy 43 and will determine requirements for lane closures and maintenance of traffic flow.
2	Maintain bike and pedestrian lane during construction for children going to school	Mitigation	Required ODOT	Night construction would alleviate most of this concern		ODOT has directed night work (8 pm to 5 am) along Hwy 43 and will set requirements for bike and pedestrian access.
3	GNC representative and City of West Lum invited to all LOTWP / ODOT Meetings related to LOTWP transmission pipeline planning and permitting	Mitigation	Relaxed-Agreed	There is no cost to allow community representatives to attend these meetings to discuss improvements		Partnership is willing to invite speed-upon GNC representative and West Lum staff to ODOT permitting and planning meetings.
				5 items found to be Required (and Agreed to by LOTWP) in full or part by WL Code, WL Comp Plan or ODOT.		
				9 5 Items Agreed to by LOTWP.		
				2 12 Items Relaxed by LOTWP, alternatives proposed by LOTWP		

Zach Pelz

City of West Linn Planning Department

22500 Salamo Rd.

West Linn, OR 97068

zpelz@westlinnoregon.gov

*per 10/3/2012
ZP*

Application #: CUP12-02 (WTP), CUP12-04 (Pipelines)

Dear Sir,

As a West Linn resident I want to express my support for the water plant and pipeline project being proposed by Lake Oswego and Tigard.

These two communities are showing great forethought and are willing to invest their citizen's water revenues to assure their communities have a quality drinking water supply which will allow them to remain high quality places to live and work. By way of comparison West Linn seems destined to under invest in the basic infrastructure of water, roads and sewers and seems to be willing to achieve "mediocre," as it establishes itself for the future. Property values will diminish, fire insurance costs will rise, and car repairs will increase, and lead us to a slow degradation of our superior school system.

Maybe it's too late for West Linn but why should we try to impart our isolationist, non-cooperative ethos on others is beyond me.

Sincerely,



P A Andrews

2781 Oxford

West Linn, Oregon

Pelz, Zach

From: Norman Eder [norme@cfmpdx.com]
Sent: Wednesday, October 03, 2012 9:47 AM
To: Kerr, Chris; Steven Blake; Stowell5050@aol.com; DJ Heffernan; Pelz, Zach; Newell, David
Cc: Jon R. Holland
Subject: Addendum to construction management plan
Attachments: Addendum.construction management.v1.0.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Here is my rendering of what we discussed and agreed to yesterday. LOTWP is willing to have this included as an amendment to the construction management plan contained within their land use application.

Will someone please forward this e-mail to Kevin and Lamont.

We agreed to meet next Tuesday at 2:00 in WL City Hall. I invited Jon Holland to join us so we may address any additional issues raised by Zach's review of DJ's letter and the submitted construction management plan.

Please come prepared to discuss any other construction management issues you would like addressed.

From: Norman Eder [mailto:norme@cfmpdx.com]
Sent: Wednesday, October 03, 2012 9:47 AM
To: Kerr, Chris; Steven Blake; Stowell5050@aol.com; DJ Heffernan; Pelz, Zach; Newell, David
Cc: Jon R. Holland
Subject: Addendum to construction management plan
Attachments: Addendum.construction management.v1.0.docx

Addendum to the construction management plan

Construction Consultation

The applicant will convene bi-monthly meetings where senior project managers will meet with five designated representatives from the Robinwood Great Neighbor Committee (RGNC.) The applicant's representatives and the designated representatives of the RGNC will meet as a standing committee.

The purpose of the committee is to promote open and free communications to the Robinwood neighborhood about the construction of the proposed project. The meetings will anticipate and/or address construction management matters and neighbor concerns as they arise before and during the course of the project. The standing committee will be disbanded once the project (plant and pipeline) receives its Certificate of Completion from the City of West Linn.

- The applicant and the Robinwood Great Neighbor Committee will meet jointly with the Robinwood Neighborhood Association as invited by the President and Board of the Association.
- The LOTWP will retain the services of an ombudsman to promote open and effective communications between members of the RGNC, LOTWP and the City of West Linn.
- LOTWP's designated construction management team will provide the City of West Linn with copies of all written correspondence and notice of telephone contacts related to the proposed construction project from citizens.

Dear Zach,

Zach Pelz

City of West Linn Planning Department

22500 Salamo Rd.

West Linn, OR 97068

zpelz@westlinnoregon.gov

ru 9/30/2012
ZP

Application #: CUP12-02 (WTP), CUP12-04 (Pipelines)

Dear Zach,

I would like to express my support of the proposal presented by Lake Oswego and Tigard for a remodel/expansion of the existing water treatment plant located on Kenthorpe Way.

If the surrounding cities to want to invest in this facility, which they own, and our land use rules are followed, they should be able to build it.

One of the things that allows us to live the lifestyle we enjoy is a high quality water source. It is the basic necessity for a community. I have lived in West Linn my whole life and currently own a home in West Linn. I have always appreciated the fact that we have some of the best water here in West Linn and I believe that this proposal will only help maintain the integrity and quality of our water. I understand that the emergency water supply for the West Linn water system is this plant, and that it has provided us water both to consume and to be used for firefighting purposes numerous times in the past. This gives our family an added sense of comfort and protection.

I appreciate that immediate neighbors are opposed, but this proposal provides a demonstrable benefit to the entire West Linn community and should be completed.

Thank you for your consideration!



Ray Bensi

1925 16th St.

West Linn, Oregon 97968

Pelz, Zach

From: Eric Eisemann [e.eisemann@e2landuse.com]
Sent: Friday, September 28, 2012 4:32 PM
To: Pelz, Zach
Cc: 'Day, Eric'
Subject: FW: WTP RWP FWP Update
Attachments: image001.gif; Dear Neighbor door to door note.doc; Horizontal Directional Drilling FAQ.doc; Construction Brochure MAY 2012.pdf

Zach,
Jane's report re her outreach toady is below.
Do you know if 5065 Mapleton is vacant, as Jane suggests?

Pete will try to connect with the Siebens next week.
Eric

From: Heisler, Jane [mailto:jheisler@ci.oswego.or.us]
Sent: Friday, September 28, 2012 4:03 PM
To: Eric Eisemann
Subject: RE: WTP RWP FWP Update

Eric,
Attached are some additional materials we left in a folder with each owner. Two of the four owners were home (Falconeri and Scott at 5075 Mapleton Drive and Knudson at 5070 Mapleton.) It appeared that 5065 Mapleton was vacant; the owners address is in California (also this house if far back from the road and shielded by the Falconeri/Scott home). 4950 Mapleton (Tom and Gwen Sieben) were not at home either.

Mr Knudson works for an elevator contractor and was very interested in the project itself. He had questions about whether we will have a casing, how long the process will take, what kind of geology, etc. He also wanted to know about access to his property during construction, which we explained. We described pullback to Mr. Knudson , indicating that work would take place for one to two days continuously and if he felt it was too noisy we would certainly put him up in a motel for the night. He seemed to appreciate that offer.

Mr. Scott (5075 Mapleton) was curious about timing, liked the idea of a noise barrier, hours of work, etc. He did mention that the wastewater pumping station was audible from their property and said it went on 'at all hours of the day and night'.

From: Eric Eisemann [mailto:e.eisemann@e2landuse.com]
Sent: Friday, September 28, 2012 10:35 AM
To: Heisler, Jane
Subject: FW: WTP RWP FWP Update

Jane,

What should I tell Zach?
Eric

Eric Eisemann
E2 Land Use Planning, LLC
215 W. 4th Street, Suite # 201
Vancouver, WA 98660
360.750.0038
e.eisemann@e2landuse.com

From: Pelz, Zach [<mailto:ZPELZ@westlinnoregon.gov>]
Sent: Friday, September 28, 2012 10:13 AM
To: Eric Eisemann; 'Day, Eric'
Cc: 'Oveson, Pete'; 'Wobbrock, Nick'
Subject: RE: WTP RWP FWP Update

I am curious about the conversation with neighbors adjacent the HDD site and whether or not they were receptive to the idea of staying in a hotel during the pullback phase or what other ideas/issues arose during that discussion.

Thanks,

Zach

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

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From: Eric Eisemann [<mailto:e.eisemann@e2landuse.com>]
Sent: Friday, September 28, 2012 10:01 AM
To: Pelz, Zach

Cc: 'Oveson, Pete'; 'Day, Eric'; 'Wobbrock, Nick'
Subject: RE: WTP RWP FWP Update

Perfect, thank you. I am available to answer questions.
If the hard copies did not arrive, please let me know.
Eric

From: Pelz, Zach [<mailto:ZPELZ@westlinnoregon.gov>]
Sent: Friday, September 28, 2012 9:47 AM
To: Eric Eisemann
Cc: Oveson, Pete; 'Day, Eric'
Subject: RE: WTP RWP FWP Update

I did. I apologize for not confirming receipt. Everything looks good and I'm working to incorporate the latest understanding of the project into the memo as we speak.

Zach

West Linn
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22500 Salamo Rd.
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From: Eric Eisemann [<mailto:e.eisemann@e2landuse.com>]
Sent: Friday, September 28, 2012 9:46 AM
To: Pelz, Zach
Cc: Oveson, Pete; 'Day, Eric'
Subject: WTP RWP FWP Update

Hi Zach,
Just checking in to see if you received an email from Pete Oveson with the promised update materials.
Eric

Eric Eisemann
E2 Land Use Planning, LLC
215 W. 4th Street, Suite # 201
Vancouver, WA 98660
360.750.0038
e.eisemann@e2landuse.com



Dear Neighbor

I sent the enclosed letter to you on September 6. Today, a project engineer and I went door-to-door in your area to see if we could answer any questions or provide you with more information about the pipeline installation in the two properties north of Mary S. Young Park and in Mapleton Drive.

Our goal is to provide you with information but also to understand your concerns about the project and work with you to address them.

We look forward to talking with you. Please call me at 503-697-6573 if you would like to schedule a visit or talk about the project.

Thank you.

Jane Heisler, Communications Director
Lake Oswego Tigard Water Partnership



Dear Neighbor

I sent the enclosed letter to you on September 6. Today, a project engineer and I went door-to-door in your area to see if we could answer any questions or provide you with more information about the pipeline installation in the two properties north of Mary S. Young Park and in Mapleton Drive.

Our goal is to provide you with information but also to understand your concerns about the project and work with you to address them.

We look forward to talking with you. Please call me at 503-697-6573 if you would like to schedule a visit or talk about the project.

Thank you.

Jane Heisler, Communications Director
Lake Oswego Tigard Water Partnership



Horizontal Directional Drilling (HDD)

Meldrum Bar Park (Gladstone) to Oregon Parks Property (West Linn)

Frequently Asked Questions

How far below the surface will the pipe be?

The pipe will be 30-60 feet below the Willamette River bottom.

How will you access the pipe for maintenance?

Access for maintenance would be from one end of the pipeline or the other. Once installed, there is no way to access but the pipe will be designed and built for a 75-100 year life.

What about vibration and ground movement during construction?

With fluid assisted cutting that will be used, vibration will be minimal. Any vibrations at the drill head are severely dampened by the high viscosity and weight of the drilling mud that acts as a hydraulic shock absorber. Studies by the US Army Corps of Engineers have shown that the vibration and pressure effects of HDD boring have virtually no effect on the soils three bore diameters away from the drill (Staheli et al., 1998). In this case, three bore diameters is about 15 feet. We anticipate little to no noticeable vibration at the surface.

What can be done during construction to minimize impacts to residents and their homes:

The project will:

- Conduct pre- and post-construction inspections of homes: The team will take photographs and measurements to accurately document any impacts.
- Monitor vibrations using measurement devices installed at the surface at many spots along the alignment.
- Mitigate construction noise as much as possible.

What can residents expect in terms of noise during construction?

There will be noise at the entry and exit points at Meldrum Bar Park and on Mapleton. Sound will be mitigated with sound walls, mufflers and other best management practices for noise reduction. Noise will not be a problem where the HDD bore is far under the surface.

How long is the construction process? When will it occur?

The construction could take from 4 to 6 months. This estimate will become more precise as we get closer to the start date. Construction will occur summer, 2014

What kind of odors will construction create?

No particular odors are anticipated other than typical construction smells (vehicle and equipment exhaust).

What kind of environmental protections will there be.

Contractors will be required to provide a spill and protection plan that outlines what they will do if there is an accidental spill. Contractors will also obtain a permit from the City of West Linn for their construction area to make sure they aren't releasing mud or debris into the streets, streams or the river.

Will I have access to my home the entire time?

Yes. Pedestrian and vehicle access will be provided for the entire project duration.

Contact the City of Lake Oswego for more Information 503-697-6502 and visit our website at lotigardwater.org

Pelz, Zach

From: Norm Eder [norme@cfmpdx.com]
Sent: Friday, September 28, 2012 3:51 PM
To: Steven Blake; Stowell5050@aol.com; Newell, David; Kerr, Chris; Pelz, Zach; Holland Jon; DJ Heffernan
Subject: Tuesday 1:00 at City Hall

All:

Steve Blake and I have been working to set up and perhaps bring to conclusion the discussion of the ongoing consultation agreement between LOTWP and the neighbors. In my view the purpose of this agreement is to give structure to the way construction matters will be discussed and solved during the three-year construction timeline. I believe this is Steve's general view too.

To accomplish this I have set up a meeting for this coming Tuesday afternoon, 1:00 in West Linn City Hall. You are all invited. Please let me know if you will attend. BTW, we could just as easily do this at the Starbucks, just in case anyone wants to use one of their tables for the discussion.



Pelz, Zach

From: Shroyer, Shauna
Sent: Thursday, September 27, 2012 9:20 AM
To: LFaxon@CommNewspapers.com
Cc: Pelz, Zach
Subject: RE: Legal Notice - Please Publish 10/4/12
Attachments: image001.gif

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you, Louise. Have a great day.
Shauna

Shauna Shroyer, Administrative Assistant
Planning, #1557

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From: LFaxon@CommNewspapers.com [mailto:LFaxon@CommNewspapers.com]
Sent: Thursday, September 27, 2012 9:14 AM
To: Shroyer, Shauna
Subject: RE: Legal Notice - Please Publish 10/4/12

Good Morning Shauna,
Notice received. I will get this notice in the October 4th edition of the West Linn Tidings. Once published, I will send affidavits of publication to your attention.

Thank you,

Louise Faxon

Legal Advertising

Community Newspapers/Portland Tribune

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PO Box 22109, Portland OR 97269-2109

(503) 546-0752; fax (503) 620-3433

Legals Notices are online at: <http://publicnotices.portlandtribune.com>

From: Shroyer, Shauna [mailto:SShroyer@westlinnoregon.gov]
Sent: Wednesday, September 26, 2012 3:25 PM
To: LegalsForCommNewsPapers
Cc: Pelz, Zach
Subject: Legal Notice - Please Publish 10/4/12

Please publish the attached legal notice in the West Linn Tidings on October 4, 2012.

Thank you,
Shauna Shroyer

Pelz, Zach

From: Holland, Jon R. [JRHolland@BrwnCald.com]
Sent: Friday, September 21, 2012 1:48 PM
To: DJ Heffernan
Cc: King Lamont; (noelblake@comcast.net); Pelz, Zach; Norm Eder; A. Gregory McKenzie; Dennis Koellermeier; Vicky and Pat
Subject: RE: Any updates from LOT on these items?
Attachments: image001.gif

DJ, Zach, RNA, et al,

Here's an LOTWP action items status update:

SURVEY

Mapleton pipeline survey and WTP survey: week of October 1st
Open house to review survey results: tentatively October 10th
Look for specifics on both early next week in a formal invitation/announcement from Partnership.

TREES

In addition to Zach's reply below on trees, tree removal for WTP is shown on Drawings 2.9 through 2.12 and tree planting is shown on Drawings 12.1 through 12.4, both at Tab 21 of our 8/20/12 WTP application.

Tree removal for pipelines is limited to the HDD staging site at the OPRD properties; removal and restoration for the HDD staging area is shown at Tab 5 of our 6/25/12 Pipelines application. We are not planning to mark these in the field at this time.

Response to Neighbor Questions

Not forgotten, but I'm still working on these. I had hoped to have these out this week but looks like it will have to be next week. Sorry for the delay.

Jon

From: Pelz, Zach [mailto:ZPELZ@westlinnoregon.gov]
Sent: Friday, September 21, 2012 10:56 AM
To: DJ Heffernan; Vicky and Pat; King Lamont
Cc: Holland, Jon R.
Subject: RE: Any updates from LOT on these items?

Sorry, I'm on pipeline review mode right now. Yes, on the WTP site, the applicant is proposing the removal of 6 significant trees (4 of which are in the clearwell vicinity). 4 trees that will be removed on the WTP (SE corner) site are on the applicant's property but are near the Mapleton Drive right-of-way. No trees are proposed to be removed from the Mapleton Drive right-of-way.



Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
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From: DJ Heffernan [<mailto:djheff1@gmail.com>]
Sent: Friday, September 21, 2012 10:41 AM
To: Pelz, Zach; Vicky and Pat; King Lamont
Cc: Holland, Jon R.
Subject: Re: Any updates from LOT on these items?

Point of clarification. There are some significant trees on the WTP site and the lots facing Mapleton that appear will be removed. A couple are over the clear well. Or am I mistaken in that?

On 9/21/12 8:11 AM, "Pelz, Zach" <ZPELZ@westlinnoregon.gov> wrote:

Good morning,

I was looking into the tree issue below, I believe someone other than myself was going to look into the other two items.

From the applicant's submittal, no tree removal is proposed outside of tax lot 200 at the end of Mapleton Drive (where the HDD staging area will exist).

Zach

Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
P: (503) 723-2542
F: (503) 656-4106
Web: westlinnoregon.gov <<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: DJ Heffernan [<mailto:djheff1@gmail.com>]
Sent: Thursday, September 20, 2012 5:27 PM
To: Vicky and Pat; King Lamont
Cc: Holland, Jon R.; Pelz, Zach
Subject: Re: Any updates from LOT on these items?

I've not heard from Zach. I expected he would dig into these. Am copying him and Jon on this thread.

DJ

On 9/20/12 1:22 PM, "Vicky and Pat" <patvicsmith@q.com> wrote:

Answers to the Neighborhood Questions

Date when they will survey the location of the 48inch transmission line

Date when they will stake the buildings and float a balloon or two (or how ever they will show the elevation)

Date when they will mark the trees to come down.

Thanks, Vicky

--
DJ Heffernan
503.310.2306

Pelz, Zach

From: Vicky and Pat [patvicsmith@q.com]
Sent: Friday, September 21, 2012 12:27 PM
To: Pelz, Zach
Cc: Jon R. Holland; DJ Heffernan; King Lamont
Subject: Re: Any updates from LOT on these items?
Attachments: imageb8e2b7.gif@5a1f8e77.d2234015

Zach and Jon -

The new PDF's provided by Jon show an updated transmission pipe alignment, some sewer relocation and a new local water distribution alignment. It appears there is more trench area that is off the edge of pavement ... will a new assessment of impacts be done.

I thought that Jon had mentioned that LOT planned to lay out the alignment on Mapleton so we could see how it all fit.

Lastly, will these new plans be part of the application?

Thanks

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "DJ Heffernan" <djheffl@gmail.com>, "Vicky and Pat" <patvicsmith@q.com>, "King Lamont" <lamontking@comcast.net>
Cc: "Jon R. Holland" <JRHolland@BrwnCald.com>
Sent: Friday, September 21, 2012 10:55:52 AM
Subject: RE: Any updates from LOT on these items?

Sorry, I'm on pipeline review mode right now. Yes, on the WTP site, the applicant is proposing the removal of 6 significant trees (4 of which are in the clearwell vicinity). 4 trees that will be removed on the WTP (SE corner) site are on the applicant's property but are near the Mapleton Drive right-of-way. No trees are proposed to be removed from the Mapleton Drive right-of-way.

 Zach Pelz, AICP
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Pelz, Zach

From: Walters, Rebecca [Rebecca.Walters@adp.com]
Sent: Thursday, September 20, 2012 11:27 AM
To: Jordan, Chris; A. Gregory McKenzie
Cc: Sonnen, John; Pelz, Zach
Subject: RE: Facilitator's Document
Attachments: image001.gif

Thanks Chris. I appreciate your assurance.

Rebecca

From: Jordan, Chris [mailto:cjordan@westlinnoregon.gov]
Sent: Thursday, September 20, 2012 11:11 AM
To: Walters, Rebecca (DS); A. Gregory McKenzie
Cc: Sonnen, John; Pelz, Zach
Subject: RE: Facilitator's Document

Rebecca –

Our staff can make sure you receive a copy when Zach receives it and it is entered into the record. This shouldn't be a problem at all.

Chris

 Chris Jordan
cjordan@westlinnoregon.gov
City Manager
22500 Salamo Rd
West Linn, Oregon 97068
P: (503) 657-0331
F: (503) 650-9041
Web: westlinnoregon.gov

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From: Walters, Rebecca [mailto:Rebecca.Walters@adp.com]
Sent: Thursday, September 20, 2012 11:05 AM
To: A. Gregory McKenzie
Cc: Sonnen, John; Jordan, Chris
Subject: RE: Facilitator's Document

Thanks Greg. I hope that John or Chris will forward them to me so I can pass it on to our neighbors. John and Chris – do you have any issues with forwarding Greg's document to me before the CUP hearings on the WTP and transmission water line?

Rebecca

From: A. Gregory McKenzie [mailto:gregmckenzie@att.net]
Sent: Thursday, September 20, 2012 10:32 AM

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, September 20, 2012 11:11 AM
To: 'Walters, Rebecca'; A. Gregory McKenzie
Cc: Sonnen, John; Pelz, Zach
Subject: RE: Facilitator's Document

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Chris

Chris Jordan, City Manager
Administration, #1422

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Sent: Thursday, September 20, 2012 11:05 AM
To: A. Gregory McKenzie
Cc: Sonnen, John; Jordan, Chris
Subject: RE: Facilitator's Document

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Rebecca

From: A. Gregory McKenzie [mailto:gregmckenzie@att.net]
Sent: Thursday, September 20, 2012 10:32 AM
To: Walters, Rebecca (DS)
Cc: John Sonnen; Chris Jordan
Subject: Re: Facilitator's Document

Rebecca,

It is my plan to submit my written report of the facilitated meetings to C of WL for them to handle as they choose.

Greg

From: "Walters, Rebecca" <Rebecca.Walters@adp.com>
To: "Sonnen, John (JSONNEN@westlinnoregon.gov)" <JSONNEN@westlinnoregon.gov>; "Greg McKenzie (gregmckenzie@att.net)" <gregmckenzie@att.net>
Cc: "Darryl Walters (darryl_walters@comcast.net)" <darryl_walters@comcast.net>; "Jana and Neal Rea (flyartcreations@comcast.net)" <flyartcreations@comcast.net>; "Jenne Henderson (hendersonjj@comcast.net)" <hendersonjj@comcast.net>; "Jerry Henderson (jhenderson@smacna-columbia.org)" <jhenderson@smacna-columbia.org>; "Ken Hanawa (kenhanawa@yahoo.com)" <kenhanawa@yahoo.com>; "Mike Cooper (hawkey88@comcast.net)" <hawkey88@comcast.net>; "Natalie Cooper (n.nahey.4.coopers@comcast.net)" <n.nahey.4.coopers@comcast.net>; "Neal Rea (nealr@stonergroup.com)" <nealr@stonergroup.com>; "Ray and Kim

Pelz, Zach

From: lamontking@comcast.net
Sent: Thursday, September 20, 2012 9:57 AM
To: Pelz, Zach
Subject: Re: Next Steps with LOT
Attachments: imagea01ccb.gif@84de1d20.cffe40eb; image001.gif

Thanks for your quick response! I understand we are dealing with two different things and I would appreciate if you could see if the proposed fee is for the existing pipeline or the proposed new line.

Thanks,

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: lamontking@comcast.net
Sent: Thursday, September 20, 2012 9:49:22 AM
Subject: RE: Next Steps with LOT

Lamont,

The IGA and franchise/tax/lease/license (whatever it ends up being) agreement are two separate things. The IGA involves the use of the intertie while the franchise/etc. involves collecting money from the Partnership for the use of the West Linn right-of-way.

I have not been privy to the discussions surrounding the franchise fee but from what I understand, it involves the proposed raw- and finished-water lines. I cannot say as to whether it includes the existing lines. I will look in to that.

Also, for the record, the Conditional Use criteria you are referring to actually states, *"The granting of the proposal will provide for a facility that is consistent with the overall needs of the community (CDC 60.070(A)(3))."*

Thanks,

Zach

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

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From: lamontking@comcast.net [mailto:lamontking@comcast.net]
Sent: Wednesday, September 19, 2012 9:19 PM
To: Pelz, Zach
Subject: Re: Next Steps with LOT

Hi Zach,

Does the IGA being negotiated about a franchise/tax only deal with the existing pipe and not the proposed 48" pipe? The CUP stipulates "community benefit", is this tied to the current intertie agreement or based on presumed benefits from the new agreement?

Thanks,

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Vicky and Pat" <patvicsmith@q.com>, "DJ Heffernan" <djheff1@gmail.com>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Wednesday, September 19, 2012 10:13:53 AM
Subject: RE: Next Steps with LOT

Good morning, Vicky –

I'm assembling responses to the questions from our meeting last week as we speak and will have them to you as soon as possible. I'm waiting on a couple of drawings from the applicant.

Thanks,

Zach

 West Linn
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ZPELZ@westlinnoregon.gov
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Sent: Tuesday, September 18, 2012 5:13 PM
To: DJ Heffernan; Pelz, Zach
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; lamontking@comcast.net
Subject: Re: Next Steps with LOT

Zach -

The neighborhood would really like clarity on the City's position on the location/ separation issue and if COWL will require the 10 foot minimum separation between all new waterlines and the existing sewer line. The City's answer will obviously effect the areas of impact and restoration.

Just to note a few of the applicants plan sheets, Figures 22,23, 24 all show dimensions that provide less than 10 feet of separation. As we have mentioned before, these same plans show a location for the new local waterline that could not be built "a head of the raw waterline" as detailed in the applicants draft schedule, and more importantly appears to be located where numerous service disruptions will result over the 3 month transmission line installation.

We look forward to the City's response. - Vicky

From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheffl@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Tuesday, September 18, 2012 7:30:28 AM
Subject: Re: Next Steps with LOT

DJ and Zach

These are the OAR's not West Linn codes which say 10 feet clear. I would like to see in writing that COWL has allowed something less than 10 feet, which as we have have said puts more risk to COWL's existing systems, increases future maintenance expenses and clouds the liability should any "water incident occur.

Having worked around the City of Portland water transmission lines from Bull Run, COP goes to great lengths to protect these systems.

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Sent: Monday, September 17, 2012 8:54:13 PM
Subject: Re: Next Steps with LOT

Vickie - I mentioned the pipe separation issue with the new water lines to Jon. He said they are aware of that design requirement and sent that attached, referencing pages 23 and 24 and Figure 1. He said that where the water lines are closer than 10', the invert elevation of the sewer line is lower than the elevation of the water lines. He said they do not need any variances from the rule.

DJ

On 9/17/12 3:44 PM, "Vicky and Pat" <patvicsmith@q.com> wrote:

I have NOT seen any emails from Jon.

Lamont and DJ

I was asking about LOT's answers to the RNA neighbor submitted questions

Someone needs to ask for the things I listed off below ... they were all promised by LOT as i understand it AND the clock is ticking down to the hearing

From: "DJ Heffernan" <djheff1@gmail.com>
To: lamontking@comcast.net, "Vicky and Pat" <patvicsmith@q.com>
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Sent: Monday, September 17, 2012 3:28:53 PM
Subject: Re: Next Steps with LOT

I gather everyone got John's e-mail from earlier today with the .pdf file that has their replies to the mitigation list? He said the map was being revised so stay tuned for that.

DJ

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Lamont

From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheff1@gmail.com>, "King Lamont" <lamontking@comcast.net>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, "Chris Kerr" <ckerr@westlinnoregon.gov>, ZPELZ@westlinnoregon.gov, Stowell5050@aol.com, lamontking@comcast.net
Sent: Monday, September 17, 2012 1:55:01 PM
Subject: Next Steps with LOT

DJ and Lamont -

I know you both are talking with Jon (LOT rep) and it would be really great to know:

1. When we can expect the PDF of the Map he had at last weeks meeting
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The last three are important - because as we discussed, we want to alert the neighbors so that people are not surprised AND they understand it is because we asked for this information ... NOT that construction has started.

Thanks

--
DJ Heffernan
503.310.2306

Pelz, Zach

From: lamontking@comcast.net
Sent: Wednesday, September 19, 2012 9:19 PM
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Attachments: image882af5.gif@69c3dad4.c47a4099

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503.310.2306

Pelz, Zach

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Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; Pelz, Zach; Carl Edwards; Vicky and Pat
Subject: Re: Next Steps with LOT

Follow Up Flag: Follow up
Flag Status: Completed

Pelz, Zach

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Sent: Wednesday, September 19, 2012 8:33 PM
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Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; Pelz, Zach; Carl Edwards; Vicky and Pat
Subject: Re: Next Steps with LOT

Follow Up Flag: Follow up
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COWL-PW makes that call. There could still be problems with their design depending on site specific conditions. All I am saying is this is not black and white; the code provides latitude and remedies for how to resolve conditions where the most desired spacing condition cannot be met while still providing a reasonable built condition to protect public safety. Zack is chasing that down.

In the meeting I had with Jon and Dennis, Jon said their designer told him that they did not need a variance on this issue. They had the OAR and city code to work from when they designed the alignment and believe they meet both.

DJ

On 9/19/12 4:47 PM, "lamontking@comcast.net" <lamontking@comcast.net> wrote:

So....they are okay per city code?

Lamont

From: "DJ Heffernan" <djheff1@gmail.com>
To: lamontking@comcast.net, "Vicky and Pat" <patvicsmith@q.com>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>
Sent: Wednesday, September 19, 2012 3:59:35 PM
Subject: Re: Next Steps with LOT

Re: Next Steps with LOT They are installing cast iron pipes.

On 9/19/12 12:42 PM, "lamontking@comcast.net" <lamontking@comcast.net> wrote:

So another option is for LOT to put in cast iron water pipes or concrete encasement for the sewer line?

Thanks for pursuing this Vicki!

Lamont

From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheff1@gmail.com>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>, lamontking@comcast.net
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Subject: Re: Next Steps with LOT

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Lamont

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503.310.2306

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Subject: Re: Next Steps with LOT

Follow Up Flag: Follow up
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Folks - I doubt even Saddam installed cast iron sewer pipes! Again, this is not a land use issue that the PC has discretion over. It is regulated outside the land use process. Land use approval could be granted without any conditions in this regard, but if compliance with an essential regulatory standard can not be satisfied, the project would not receive that permit and could not be constructed. The safeguard is there regardless. Remember the land use process is not the only approval the applicant has to obtain.

As I read the application and related background material, there is nothing so unique to Robinwood - other than the fact that you fine people live there - that would necessitate an extraordinary utility service installation because the service infrastructure is co-located with a large water pipeline. That condition exists all over the place. DEQ and COWL-PW have the last word on this. The PC is not going to buck that.

Like Vickie said, let's see what PW says. On the face of it, the City standard has an exception for when the 10' horizontal spacing can't be met. It says that water lines must cross 18" above sewer lines (clearly not a 10' separation) and/or allowing the use of alternative materials *for the water line*, which LOT has proposed to install. This alternative standard is reasonable because it avoids variance request in instances where the variance would almost always be granted. It would appear LOT has proposed a design that meets the City's alternative standard where 10' horizontal spacing is not possible. They're keeping the water lines shallow (i.e. above the TOP elevation of the sewer lines), and using ductile iron pipe for the water service line. That is all they need to do.

So yes, good to check this but it does not appear to be an Achilles Heel.

DJ

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So....they are okay per city code?

Lamont

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Jon sent me the OARs, which I forwarded to the GNC.

On 9/19/12 7:12 AM, "Vicky and Pat" <patvicsmith@q.com> wrote:

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From: lamontking@comcast.net
To: "Vicky and Pat" <patvicsmith@q.com>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "DJ Heffernan" <djheff1@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>
Sent: Tuesday, September 18, 2012 10:10:26 PM
Subject: Re: Next Steps with LOT

What stops LOT from changing their plan once it has been approved by the Planning Commission? Zach, how do we determine whether or not the change represents more than 5% which would trigger a new review? Will COWL bow to pressure from LOT on issues such as this to enable the project regardless on the impact on the neighborhood? Vicky, what is an OAR?

Lamont

Pelz, Zach

From: Vicky and Pat [patvicsmith@q.com]
Sent: Wednesday, September 19, 2012 12:38 PM
To: DJ Heffernan
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; Pelz, Zach; Carl Edwards; lamontking@comcast.net
Subject: Re: Next Steps with LOT

Zach has said the City will answer the question regarding separation and so we need to wait for that response.

DJ -
I disagree as to whether it is a Land Use issue and the intent of the OAR's as you describe them . The COWL can have codes that exceed OAR's without needing to justify why. Below is the City's code. The Land Use tie is in accurately showing the impacts caused by the work contained in the CUP.

4.0023 Separation with Sewer Lines

A. Water mains shall be installed a minimum clear distance of 10 ft. horizontally from sanitary sewers, and shall be installed to go over the top of such sewers with a minimum of 18 in. of clearance at intersections of these pipes. When physical conditions render this spacing impossible or impractical, then cast iron water pipe with watertight joints or concrete encasements is required for the sewer line.

From: "DJ Heffernan" <djheffl@gmail.com>
To: "Vicky and Pat" <patvicsmith@q.com>, lamontking@comcast.net
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>
Sent: Wednesday, September 19, 2012 12:12:52 PM
Subject: Re: Next Steps with LOT

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To: "Vicky and Pat" <patvicsmith@q.com>

Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "DJ Heffernan" <djheff1@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>

Sent: Tuesday, September 18, 2012 10:10:26 PM

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Lamont

Pelz, Zach

From: DJ Heffernan [djheff1@gmail.com]
Sent: Wednesday, September 19, 2012 12:13 PM
To: Vicky and Pat; lamontking@comcast.net
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; Pelz, Zach; Carl Edwards
Subject: Re: Next Steps with LOT

Follow Up Flag: Follow up
Flag Status: Flagged

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Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "DJ Heffernan" <djheff1@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>
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From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheff1@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Tuesday, September 18, 2012 5:12:35 PM
Subject: Re: Next Steps with LOT

Zach -

The neighborhood would really like clarity on the City's position on the location/ separation issue and if COWL will require the 10 foot minimum separation between all new waterlines and the existing sewer line. The City's answer will obviously effect the areas of impact and restoration.

Just to note a few of the applicants plan sheets, Figures 22,23, 24 all show dimensions that provide less than 10 feet of separation. As we have mentioned before, these same plans show a location for the new local waterline that could not be built "a head of the raw waterline" as detailed in the applicants draft schedule, and more importantly appears to be located where numerous service disruptions will result over the 3 month transmission line installation.

We look forward to the City's response. - Vicky

From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheff1@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Tuesday, September 18, 2012 7:30:28 AM
Subject: Re: Next Steps with LOT

DJ and Zach

These are the OAR's not West Linn codes which say 10 feet clear. I would like to see in writing that COWL has allowed something less than 10 feet, which as we have have said puts more risk to COWL's existing systems, increases future maintenance expenses and clouds the liability should any "water incident occur.

Having worked around the City of Portland water transmission lines from Bull Run, COP goes to great lengths to protect these systems.

From: "DJ Heffernan" <djheff1@gmail.com>
To: "Vicky and Pat" <patvicsmith@q.com>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Monday, September 17, 2012 8:54:13 PM
Subject: Re: Next Steps with LOT

Vickie – I mentioned the pipe separation issue with the new water lines to Jon. He said they are aware of that design requirement and sent that attached, referencing pages 23 and 24 and Figure 1. He said that where the water lines are closer than 10', the invert elevation of the sewer line is lower than the elevation of the water lines. He said they do not need any variances from the rule.

DJ

On 9/17/12 3:44 PM, "Vicky and Pat" <patvicsmith@q.com> wrote:

I have NOT seen any emails from Jon.

Lamont and DJ

I was asking about LOT's answers to the RNA neighbor submitted questions

Someone needs to ask for the things I listed off below ... they were all promised by LOT as i understand it AND the clock is ticking down to the hearing

From: "DJ Heffernan" <djheff1@gmail.com>
To: lamontking@comcast.net, "Vicky and Pat" <patvicsmith@q.com>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>
Sent: Monday, September 17, 2012 3:28:53 PM
Subject: Re: Next Steps with LOT

I gather everyone got John's e-mail from earlier today with the .pdf file that has their replies to the mitigation list? He said the map was being revised so stay tuned for that.

DJ

On 9/17/12 2:58 PM, "lamontking@comcast.net" <lamontking@comcast.net> wrote:

Hi Vicky,

No meeting has been set with LOT at this time. I am still digesting the last RNA meeting and the Thursday meeting with our planning staff. I consider our time spent with Greg Mackenzie a waste of time. He succeeded in allowing LOT to read us their responses to the mitigation list with no meaningful discussion of the issues (Greg said he would get back to us with our questions but we will not get meaningful interaction with LOT). My next meeting is the City Council work session with the Water Advisory Board about the Bolton Reservoir and the new IGA on the intertie. This is tonight at 6:00PM at city hall and all are welcome. Steve Blake should be back from his vacation and we will discuss our next meeting and a meeting with LOT. Chris Jordan has done an excellent job building his case that LOT listened to the neighbors and I think we need to finish chasing the weak points of the plant/pipeline and then plan our position at the upcoming Planning Commission Hearing. I believe you should attend the next LOT meeting in order to effectively get answers to your questions.....at the meeting with city staff you were able to speak their language and knew about details, such as sewer/fresh water pipe spacing, that they haven't offered us on their own.

Lamont

From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheff1@gmail.com>, "King Lamont" <lamontking@comcast.net>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, "Chris Kerr" <ckerr@westlinnoregon.gov>, ZPELZ@westlinnoregon.gov, Stowell5050@aol.com, lamontking@comcast.net
Sent: Monday, September 17, 2012 1:55:01 PM
Subject: Next Steps with LOT

DJ and Lamont -

I know you both are talking with Jon (LOT rep) and it would be really great to know:

1. When we can expect the PDF of the Map he had at last weeks meeting
2. Answers to the questions raise at last weeks meeting

3. Date when they will survey the location of the 48inch transmission line
4. Date when they will stake the buildings and float a balloon or two (or how ever they will show the elevation)
5. Date when they will mark the trees to come down.

The last three are important - because as we discussed, we want to alert the neighbors so that people are not surprised AND they understand it is because we asked for this information ... NOT that construction has started.

Thanks

--
DJ Heffernan
503.310.2306

Pelz, Zach

From: Kerr, Chris
Sent: Wednesday, September 19, 2012 8:21 AM
To: Pelz, Zach
Subject: FW: Documents
Attachments: 119101620-EVA-1-FW.PDF; 119101610-EVA-2-RW.PDF; 61-0050.pdf; Copy of RNA LOTWP Mitigation List adopted December 2011 with April 2012 Status Comments LOTWP SEPT 2012 RESPONSE.pdf

Chris Kerr, Economic Development Director Economic Development, #1538

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.

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

From: Holland, Jon R. [mailto:JRHolland@BrwnCald.com]
Sent: Tuesday, September 18, 2012 5:58 PM
To: DJ Heffernan
Cc: RNA Great Neighbor Committee; Dennis Koellermeier; A. Gregory McKenzie; rebecca.walters@adp.com; Kerr, Chris; Calvert, Lance
Subject: RE: Documents

DJ, GNC, Rebecca, and all,

Attached are the updated pipeline strip maps (2 files: "119101620.pdf") for your info. as requested.

As discussed at our meeting last week, there are 4 locations (including one at the very SE end of Mapleton) where the pipeline trench crosses the emergency vehicle access. This means that in the three locations west of the intersection of Mapleton and Nixon, emergency vehicle access to the east end of Mapleton would need to be via Cedar Oak and Nixon. Duration of this alternate route for emergency vehicles would be 1-2 days for each location for a total of 3-6 days. The rest of the pipeline construction duration on Mapleton (3 months for the LOTWP pipeline and 6 weeks for the WL water line replacement) will accommodate emergency vehicle access through the work zone.

Note that state required separation between water and sewer is an important constraint on the alignment. I've also attached the relevant OAR that covers this requirement.

And I've re-attached the mitigation list sent earlier so that you have everything in one e-mail. Rebecca, I'm hoping that makes it easy for you to forward this message with attachments to the rest of the Robinwood Neighborhood.

Lastly, we are still working on the written replies to questions and will send those when ready.

Regards,

Jon

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

From: Holland, Jon R.

Sent: Sunday, September 16, 2012 9:17 PM

To: 'DJ Heffernan'

Cc: RNA Great Neighbor Committee; 'Dennis Koellermeier'; 'A. Gregory McKenzie'

Subject: RE: Documents

Hi, DJ and GNC,

Attached is the mitigation list with LOTWP responses.

The pipeline strip map is going to take a bit longer as I've asked our design team for a few minor refinements. I want to get this as close as possible to the final alignment prior to sending out by mid-week for your review. It will show the 8' wide trench as well as the 12' wide emergency vehicle access and 5' wide pedestrian route past the traveling 150' long pipeline work zone.

We're also working on the written responses to the questions from last Tuesday's meeting and hope to have those to you by the end of this week.

Regards,

Jon

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

From: DJ Heffernan [mailto:djheff1@gmail.com]

Sent: Saturday, September 15, 2012 2:38 PM

To: Holland, Jon R.

Cc: RNA Great Neighbor Committee

Subject: Documents

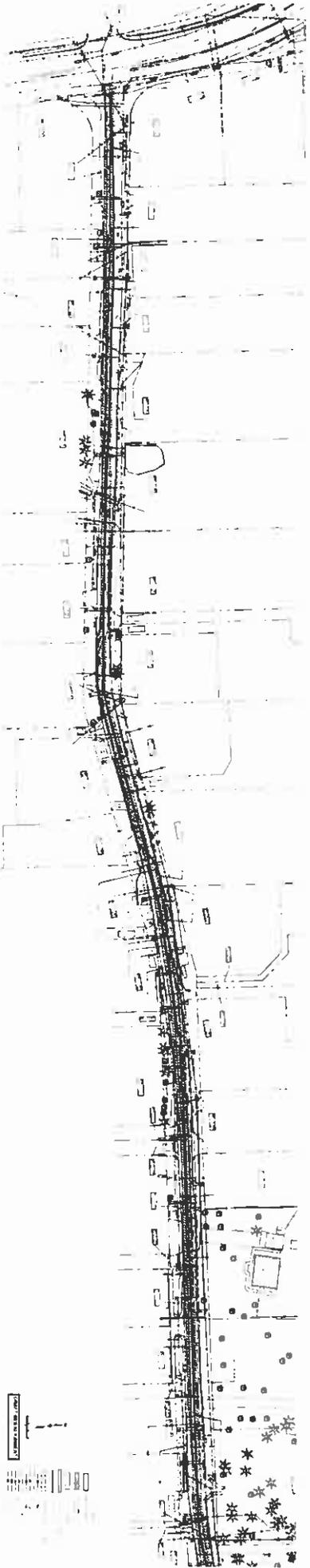
John - I was at a meeting with city staff and neighborhood representatives. My job was to follow up with you to get copies of the 60% pipeline drawing and the file that has the LOT responses to the RNA's proposed mitigation measures.

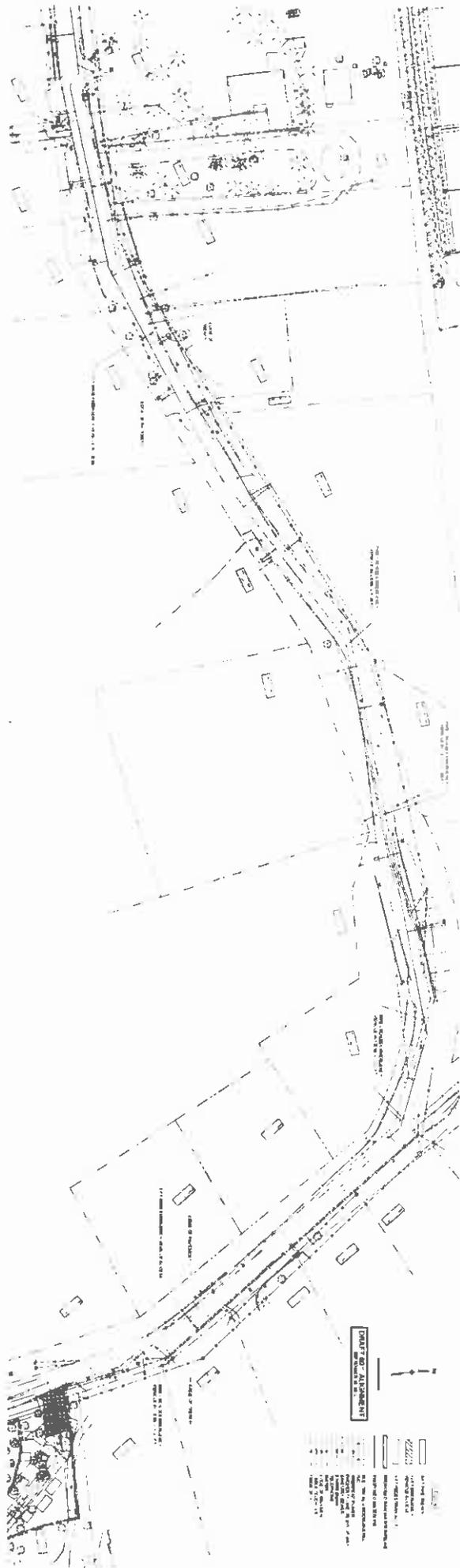
Thanks,

--

DJ Heffernan

503.310.2306





PLAN OF ALLOCATION
 ROAD NO. 100

Symbol	Description
(Symbol: Dashed line)	Proposed Road Boundary
(Symbol: Solid line)	Existing Road Boundary
(Symbol: Dotted line)	Proposed Road Centerline
(Symbol: Solid line with dashes)	Existing Road Centerline
(Symbol: Circle with cross)	Proposed Road Intersection
(Symbol: Circle with dot)	Existing Road Intersection
(Symbol: Square with cross)	Proposed Road Junction
(Symbol: Square with dot)	Existing Road Junction
(Symbol: Triangle)	Proposed Road End
(Symbol: Circle)	Existing Road End
(Symbol: Star)	Proposed Road Start
(Symbol: Square)	Existing Road Start

Scale: 1:1000
 Date: 10/10/2023
 Author: [Name]
 Reviewer: [Name]

333-061-0050 Construction Standards

(1) General:

- (a) These standards shall apply to the construction of new public water systems and to major additions or modifications to existing public water systems and are intended to assure that the system facilities, when constructed, will be free of public health hazards and will be capable of producing water which consistently complies with the maximum contaminant levels;
- (b) Public water systems which may not comply fully with these construction standards, shall be allowed to continue in operation and shall not be required to undertake alterations to existing facilities, unless the standard is listed as a significant deficiency as prescribed in OAR 333-061-0076(4), is a condition identified as a deficiency specified in OAR 333-061-0076(8) and that creates a public health hazard, or if maximum contaminant levels are being exceeded. Existing facilities are:
 - (A) Facilities at public water systems constructed or installed prior to August 21, 1981; and
 - (B) Facilities at public water systems which have been in continual use in or as a public water system and not inoperative for more than one year.
- (c) Non-public water systems that are converted to public water systems shall be modified as necessary to conform to the requirements of this rule.
- (d) Facilities at public water systems shall be designed and constructed in a manner such that contamination will be effectively excluded, and the structures and piping will be capable of safely withstanding external and internal forces acting upon them;
- (e) Only materials designed for potable water service and meeting National Sanitation Foundation Standard 61, Section 9 --Drinking Water System Components -- Health Effects (Revised September, 1994) or equivalent shall be used in those elements of the water system which are in contact with potable water;
- (f) New tanks, pumps, equipment, pipe valves and fittings shall be used in the construction of new public water systems, major additions or major modifications to existing water systems. The Department may permit the use of used items when it can be demonstrated that they have been renovated and are suitable for use in public water systems;
- (g) Prior to construction of new facilities, the water supplier shall submit plans to the Department for approval as specified in OAR 333-061-0060(1)(a).
- (h) Construction may deviate from the requirements of this section provided that documentation is submitted, to the satisfaction of the Department, that the deviation is equal to or superior to the requirements of this section as specified in OAR 333-061-0055 (variances from construction standards).
- (i) A public water system or other Responsible Management Authority using groundwater, or groundwater under the direct influence of surface water, derived from springs, confined or unconfined wells that wish to have a state

certified wellhead protection program shall comply with the requirements as specified in OAR 333-061-0057, 0060, and 0065, as well as OAR 340-040-0140 through 0200. Additional technical information is available in the Oregon Wellhead Protection Guidance Manual.

- (j) All new groundwater sources are subject to consideration for potential direct influence of surface water as prescribed in OAR 333-061-0032(7).
- (2) Groundwater:
- (a) Wells:
 - (A) For the purpose of this rule, wells are defined as holes or other excavations that are drilled, dug or otherwise constructed for the purpose of capturing groundwater or groundwater in hydraulic connection with surface water as a source of public drinking water.
 - (B) The area within 100 feet of the well shall be owned by the water supplier, or a perpetual restrictive easement shall be obtained by the water supplier for all land (with the exception of public rights-of-way) within 100 feet of the well. The easement shall be recorded with the county in which the well is located and with the recorded deed to the property. A certified true copy shall be filed with the Department;
 - (C) Notwithstanding paragraph (2)(a)(A) of this rule, wells located on land owned by a public entity, (Federal, State, County, Municipality) which is not the water supplier, a permit issued by the public entity to the water supplier shall suffice in lieu of an easement. Said permit shall state that no existing or potential public health hazard shall be permitted within a minimum of 100 feet of a well site;
 - (D) Public or private roadways may be allowed within 100 feet of a confined well, provided the well is protected against contamination from surface runoff or hazardous liquids which may be spilled on the roadway and is protected from unauthorized access;
 - (E) The following sanitary hazards are not allowed within 100 feet of a well which serves a public water system unless waived by the Department: any existing or proposed pit privy, subsurface sewage disposal drain field; cesspool; solid waste disposal site; pressure sewer line; buried fuel storage tank; animal yard, feedlot or animal waste storage; untreated storm water or gray water disposal; chemical (including solvents, pesticides and fertilizers) storage, usage or application; fuel transfer or storage; mineral resource extraction, vehicle or machinery maintenance or long term storage; junk/auto/scrap yard; cemetery; unapproved well; well that has not been properly abandoned or of unknown or suspect construction; source of pathogenic organisms or any other similar public health hazards. No gravity sewer line or septic tank shall be permitted within 50 feet of a well which serves a public water system. Clearances greater than indicated above shall be provided when it is determined by the Department that the aquifer sensitivity and degree of hazard

require a greater degree of protection. Above-ground fuel storage tanks provided for emergency water pumping equipment may be exempted from this requirement by the Department provided that a secondary containment system is in place that will accommodate 125 percent of the fuel tank storage;

- (F) Except as in paragraph (2)(a)(A) and (2)(a)(E) of this rule, in those areas served by community gravity sanitary sewers, the area of ownership or control may be reduced to 50 feet;
- (G) Wells shall not be located at sites which are prone to flooding. In cases where the site is subject to flooding, the area around the well shall be mounded, and the top of the well casing shall be extended at least two feet above the anticipated 100-year (1 percent) flood level;
- (H) Except as otherwise provided herein, wells shall be constructed in accordance with the general standards for the construction and maintenance of water wells in Oregon as prescribed in OAR chapter 690, divisions 200 through 220;
- (I) Wells as defined in paragraph (2)(a)(A) of this rule that are less than 12 feet in depth must be constructed so as to be cased and sealed from the surface to a minimum of three feet above the bottom of the well. The casing may consist of concrete or metal culvert pipe or other pre-approved materials. The seal shall be watertight, be a minimum of four inches in thickness and may consist of cement, bentonite or concrete (see concrete requirements prescribed in OAR 690-210-315). The construction and placement of these wells must comply with all requirements of this rule.
- (J) Before a well is placed into operation as the source of supply at a public water system, laboratory reports as required by OAR 333-061-0036 shall be submitted by the water supplier;
- (K) Water obtained from wells which exceed the maximum contaminant levels shall be treated as outlined in section (4) of this rule;
- (L) The pump installation, piping arrangements, other appurtenances, and well house details at wells which serve as the source of supply for a public water system, shall meet the following requirements:
 - (i) The line shaft bearings of turbine pumps shall be water-lubricated, except that bearings lubricated with non-toxic approved food-grade lubricants may be permitted in wells where water-lubricated bearings are not feasible due to depth to the water;
 - (ii) Where turbine pumps are installed, the top of the casing shall be sealed into the pump motor. Where submersible pumps are installed, the top of the casing shall be provided with a watertight sanitary seal;
 - (iii) A casing vent shall be provided and shall be fitted with a screened return bend;

- (iv) Provisions shall be made for determining the depth to water surface in the well under pumping and static conditions;
- (v) A sampling tap shall be provided on the pump discharge line;
- (vi) Piping arrangements shall include provisions for pumping the total flow from the well to waste;
- (vii) A method of determining the total output of each well shall be provided. This requirement may be waived by the Department at confined wells which serve as the source of supply for Transient Non-Community water systems;
- (viii) A reinforced concrete slab shall be poured around the well casing at ground surface. The slab shall be sloped to drain away from the casing;
- (ix) The ground surface around the well slab shall be graded so that drainage is away from the well;
- (x) The top of the well casing shall extend at least 12 inches above the concrete slab;
- (xi) Provisions shall be made for protecting pump controls and other above-ground appurtenances at the well head. Where a wellhouse is installed for this purpose, it shall meet applicable building codes and shall be insulated, heated and provided with lights, except that where the wellhouse consists of a small removable box-like structure the requirement for lights may be waived by the Department;
- (xii) The wellhouse shall be constructed so that the well pump can be removed.
- (xiii) Wells equipped with pitless adaptors or units are not required to meet the requirements of subparagraphs (2)(a)(L)(iii) and (viii) of this rule.
- (M) The area in the vicinity of a well, particularly the area uphill or upstream, shall be surveyed by the water supplier to determine the location and nature of any existing or potential public health hazards;
- (N) The requirements with respect to land ownership, clearances from public health hazards, and protection against flooding for wells in an unconfined aquifer shall be the same or more restrictive than those prescribed for wells in confined aquifers, as determined by the Department.
- (O) Before a well is placed into operation as the source of supply for a public water system, the following documents shall be submitted by the water supplier:
 - (i) Reports on pumping tests for yield and drawdown for unconfined wells;
 - (ii) Reports of laboratory analyses on contaminants in the water as required by OAR 333-061-0036;
 - (iii) Performance data on the pumps and other equipment;

- (iv) Proposals for disinfection as required by section (5) of this rule, if applicable.
 - (v) Reports on determination of potential direct influence by surface water into groundwater source as prescribed in section (3) of this rule.
 - (b) Springs:
 - (A) In addition to those requirements under subsection (2)(a) of this rule, construction of spring supplies shall meet the following requirements:
 - (i) An intercepting ditch shall be provided above the spring to effectively divert surface water;
 - (ii) A fence shall be installed around the spring area unless other provisions are made to effectively prevent access by animals and unauthorized persons;
 - (iii) The springbox shall be constructed of concrete or other impervious durable material and shall be installed so that surface water is excluded;
 - (iv) The springbox shall be provided with a screened overflow which discharges to daylight, an outlet pipe provided with a shutoff valve, a bottom drain, an access manhole with a tightly fitting cover, and a curb around the manhole.
 - (v) Spring collection facilities that meet the definition of well in paragraph (2)(a)(A) of this rule must comply with construction requirements specified in paragraph (2)(a)(I) of this rule.
 - (B) Reports on flow tests shall be provided to establish the yield of springs.
- (3) Surface water and groundwater under direct surface water influence source facilities:
 - (a) In selecting a site for an infiltration gallery, or for a direct intake from a stream, lake, or impounding reservoir, consideration shall be given to land use in the watershed. A sanitary survey of the watershed shall be made by the water supplier to evaluate natural and man-made factors which may affect water quality and investigations shall also be made of seasonal variations in water quality and quantity. A report giving the results of this survey shall be submitted for review and approval by the Department.
 - (b) A determination shall be made as to the status of water rights, and this information shall be submitted to the Department for review.
 - (c) Impounding reservoirs shall be designed and constructed so that they include the following features:
 - (A) The capacity shall be sufficient to meet projected demands during drought conditions;
 - (B) Outlet piping shall be arranged so that water can be withdrawn from various depths;
 - (C) Facilities shall be provided for releasing undesirable water.

- (d) Direct intake structures shall be designed and constructed so that they include the following features:
 - (A) Screens shall be provided to prevent fish, leaves and debris from entering the system;
 - (B) Provisions shall be made for cleaning the screens, or self-cleaning screens shall be installed;
 - (C) Motors and electrical controls shall be located above flood level;
 - (D) Provisions shall be made to restrict swimming and boating in the vicinity of the intake;
 - (E) Valves or sluice gates shall be installed at the intake to provide for the exclusion of undesirable water when required.
- (4) Water treatment facilities (other than disinfection):
 - (a) General
 - (A) Water treatment facilities shall be capable of producing water which consistently does not exceed maximum contaminant levels. The type of treatment shall depend on the raw water quality. The Department shall make determinations of treatment capabilities based upon recommendations in the USEPA SWTR Guidance Manual.
 - (B) Investigations shall be undertaken by the water supplier prior to the selection or installation of treatment facilities to determine the physical, chemical and microbiological characteristics of the raw water as appropriate. These investigations shall include a determination of the seasonal variations in water quality, as well as a survey to identify potential sources of contamination which may affect the quality of the raw water.
 - (C) Water obtained from wells constructed in conformance with the requirements of these rules and which is found not to exceed the maximum contaminant levels, may be used without treatment at public water systems;
 - (D) Laboratory equipment shall be provided so that the water supplier can perform analyses necessary to monitor and control the treatment processes.
 - (b) Best Available Technology
 - (A) Pilot studies or other supporting data shall be used to demonstrate the effectiveness of any treatment method other than that defined as best available technology. Pilot study protocol shall be approved beforehand by the Department. When point-of-use (POU) or point-of-entry (POE) devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring shall be provided by the water system to ensure adequate performance.
 - (B) The Department identifies the following as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for volatile organic chemicals:

- (i) Central treatment using packed tower aeration for all these chemicals.
 - (ii) Central treatment using granular activated carbon for all these chemicals except vinyl chloride.
- (C) The Department identifies the following as the best available technology, treatment techniques or other means generally available for achieving compliance with the Maximum Contaminant Level for fluoride.
- (i) Activated alumina absorption, centrally applied.
 - (ii) Reverse osmosis, centrally applied.
- (D) The Department identifies the following as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms.
- (i) Protection of wells from contamination by coliforms by appropriate placement and construction;
 - (ii) Maintenance of a disinfectant residual throughout the distribution system;
 - (iii) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, and maintaining a minimum pressure of 20 psi at all service connections.
 - (iv) Filtration treatment and/or disinfection of surface water or groundwater under the direct influence of surface water, or disinfection of groundwater using strong oxidants such as chlorine, chlorine dioxide, or ozone; and
 - (v) For systems using groundwater, compliance with the requirements of a Department-approved wellhead protection program.
- (E) The Department identifies the following as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for organic chemicals.
- (i) Central treatment using packed tower aeration for Dibromochloropropane, Ethylene Dibromide, Hexachlorocyclopentadiene and Di(2-ethylhexyl)adipate.
 - (ii) Central treatment using granular activated carbon for all these chemicals except Trihalomethanes and Glyphosate.
 - (iii) Central treatment using oxidation (chlorination or ozonation) for Glyphosate.
- (F) The Department identifies the following as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for

inorganic chemicals. Preoxidation may be required to convert Arsenic III to Arsenic V.

- (i) Central treatment using coagulation/filtration for systems with 500 or more service connections for Antimony, Arsenic V (for systems with populations 501-10,000), Asbestos, Beryllium, Cadmium, Chromium, Mercury (influent concentration \geq 10ug/L), and Selenium (Selenium IV only).
 - (ii) Central treatment using direct and diatomite filtration for Asbestos.
 - (iii) Central treatment using granular activated carbon for Mercury.
 - (iv) Central treatment using activated alumina for Arsenic V (for systems with populations 10,000 or less), Beryllium, Selenium and Thallium.
 - (v) Central treatment using ion exchange for Arsenic V (for systems with populations 10,000 or less), Barium, Beryllium, Cadmium, Chromium, Cyanide, Nickel, Nitrate, Nitrite and Thallium.
 - (vi) Central treatment using lime softening for systems with 500 or more service connections for Arsenic V (for systems with populations of 501-10,000), Barium, Beryllium, Cadmium, Chromium (Chromium III only), Mercury (influent concentration \geq 10ug/L), Nickel and Selenium.
 - (vii) Central treatment using reverse osmosis for Antimony, Arsenic V (for systems with populations of 501-10,000), Barium, Beryllium, Cadmium, Chromium, Cyanide, Mercury (influent concentration \geq 10ug/L), Nickel, Nitrate, Nitrite, and Selenium.
 - (viii) Central treatment using corrosion control for Asbestos and Lead and Copper.
 - (ix) Central treatment using electrodialysis for Arsenic V (for systems with populations of 501-10,000), Barium, Nitrate, and Selenium.
 - (x) Central treatment using alkaline chlorination ($\text{pH} \geq 8.5$) for Cyanide.
 - (xi) Central treatment using coagulation-assisted microfiltration for Arsenic V (for systems with populations 501-10,000).
 - (xii) Central treatment using oxidation/filtration for Arsenic V (to obtain high removals, iron to Arsenic ratio must be at least 20:1).
 - (xiii) Point-of-use treatment using activated alumina for Arsenic V (for systems with populations 10,000 or less).
 - (xiv) Point-of-use treatment using reverse osmosis for Arsenic V (for systems with populations 10,000 or less).
- (G) The Department identifies the following as the best technology, treatment techniques, or other means available for achieving

compliance with the maximum contaminant levels for disinfection byproducts:

- (i) For TTHM and HAA5, when monitoring in accordance with OAR 333-061-0036(4)(c): enhanced coagulation, enhanced softening or GAC10, with chlorine as the primary and residual disinfectant.
 - (ii) For bromate concentrations: control of ozone treatment process to reduce production of bromate.
 - (iii) For chlorite concentrations: control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels .
 - (iv) For TTHM and HAA5, for water systems that disinfect their source water and monitor in accordance with OAR 333-061-0036(4)(d): enhanced coagulation or enhanced softening plus GAC10; or nanofiltration with a molecular weight cutoff less than or equal to 1000 Daltons; or GAC20.
 - (v) For TTHMs and HAA5, for purchasing water systems with populations greater than or equal to 10,000 and that monitor in accordance with OAR 333-061-0036(4)(d) improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance. This applies only to the disinfected water that purchasing water systems receive from a wholesale system.
 - (vi) For TTHMs and HAA5, for purchasing water systems with populations less than 10,000 and that monitor in accordance with OAR 333-061-0036(4)(d): improved distribution system and storage tank management to reduce residence time. This applies only to the disinfected water that purchasing water systems receive from a wholesale system.
- (H) The Department identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum residual disinfectant levels: Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.
- (I) The Department identifies the following as the best available technology, treatment techniques, or other means available for achieving compliance with the MCLs for radionuclides.
- (i) Central treatment using ion exchange for combined radium-226/228, beta particle/photon activity and uranium.
 - (ii) Central treatment using reverse osmosis for combined radium-226/228, gross alpha particle activity, beta particle/photon activity, and uranium (for systems with populations 501-10,000).

- (iii) Central treatment using lime softening for combined radium-226/228, and uranium (for systems with populations 501-10,000).
 - (iv) Central treatment using enhanced coagulation/filtration for uranium.
 - (v) Central treatment using activated alumina for uranium (for systems with populations of 10,000 or less).
 - (vi) Central treatment using greensand filtration for combined radium-226/228.
 - (vii) Central treatment using electrodialysis for combined radium-226/228.
 - (viii) Central treatment using pre-formed hydrous manganese oxide filtration for combined radium-226/228.
 - (ix) Central treatment using co-precipitation with barium for combined radium-226/228.
 - (x) Point-of-use treatment using ion exchange for combined radium-226/228, beta particle/photon activity, and uranium.
 - (xi) Point-of use treatment using reverse osmosis for combined radium-226/228, gross alpha particle activity, beta particle/ photon activity, and uranium (for systems with populations of 10,000 or less).
- (c) Filtration of Surface Water Sources and Groundwater Sources Under the Direct Influence of Surface Water
- (A) All water systems using surface water or groundwater sources under the direct influence of surface water that fail to meet the criteria for avoiding filtration prescribed in OAR 33-061-0032(2) and (3) must meet all requirements of this subsection for installing filtration treatment.
 - (B) There are four standard filtration methods: conventional filtration, direct filtration, slow sand, and diatomaceous earth. Other filtration technologies are only acceptable if their efficiency at removing target organisms and contaminants can be demonstrated to be equal to or more efficient than these. The assumed log removals credited to filtration of *Giardia lamblia* and viruses will be based on recommendations in the USEPA SWTR Guidance Manual. In all cases, filtration processes must be designed and operated to achieve at least 2.0 log removal of *Giardia lamblia*. For membrane filtration, removal credits shall be verified by a challenge study according to paragraphs (4)(c)(H) and (I) of this rule. Bag and Cartridge Filtration must have removal credits demonstrated in a challenge study according to paragraph (4)(c)(L) of this rule. The combination of filtration and disinfection must meet the inactivation levels prescribed in OAR 333-061-0032(1). Any water system wishing to challenge the assumed log removal credits must conduct demonstration studies

- based on the recommendations in the USEPA SWTR Guidance Manual and have the study protocol approved by the Department.
- (C) Pilot studies shall be conducted by the water supplier to demonstrate the effectiveness of any filtration method other than conventional filtration. Pilot study protocol shall be approved in advance by the Department. Results of the pilot study shall be submitted to the Department for review and approval.
 - (D) Regardless of the filtration method used, the water system must achieve a minimum of 0.5-log reduction of *Giardia lamblia* and a 1.0-log reduction of viruses from disinfection alone after filtration treatment.
 - (E) All filtration systems shall be designed and operated so as to meet the requirements prescribed in OAR 333-061-0032(4) and (5). Design of the filtration system must be in keeping with accepted standard engineering references acknowledged by the Department such as the Great Lakes Upper Mississippi River "Recommended Standards for Water Works" technical reports by the International Reference Center for Community Water Supply and Sanitation, or publications from the World Health Organization. A list of additional references is available from the Department upon request.
 - (F) Systems using conventional or direct filtration that employ multiple filters shall be designed such that turbidity measurements are monitored for each filter independently of the other filter(s). Each filter shall have a provision to discharge effluent water as waste.
 - (G) Additional requirements for membrane filtration. Each membrane filter system must have a turbidimeter installed after each filter unit for continuous indirect integrity monitoring. Once operating, direct and indirect integrity testing must be conducted on each unit as described in OAR 333-061-0036(5)(e). The operation and maintenance manual must include a diagnosis and repair plan such that the ability to remove pathogens is not compromised.
 - (H) Challenge Study criteria for Membrane Filtration. Water systems receive *Cryptosporidium* treatment credit for membrane filtration, as defined in OAR 333-061-0020(122), that meets the criteria of this paragraph. The level of treatment credit a water system receives is equal to the lower of the values determined in this paragraph.
 - (i) The removal efficiency demonstrated during challenge testing conducted under the conditions in accordance with paragraph (4)(c)(I) of this rule.
 - (ii) The maximum removal efficiency that can be verified through direct integrity testing of the membrane filtration process under the conditions prescribed by OAR 333-061-0036(5)(d)(B).
 - (I) Challenge Testing. The membrane filter used by the water system must undergo challenge testing to evaluate removal efficiency, and

results of the challenge testing must be reported to the Department. Challenge testing must be conducted according to the criteria specified in this paragraph. Water systems may use data from challenge testing conducted prior to June 1, 2009 if the prior testing was consistent with the criteria specified in this paragraph.

- (i) Challenge testing must be conducted on a full-scale membrane module, identical in material and construction to the membrane modules used in the water system's treatment facility, or a smaller-scale membrane module, identical in material and similar in construction to the full-scale module. A module is defined as the smallest component of a membrane unit in which a specific membrane surface area is housed in a device with a filtrate outlet structure.
- (ii) Challenge testing must be conducted using *Cryptosporidium* oocysts or a surrogate that is removed no more efficiently than *Cryptosporidium* oocysts. *Cryptosporidium* or the surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate, in both the feed and filtrate water, must be determined using a method capable of discretely quantifying the specific challenge particulate used in the test; gross measurements such as turbidity may not be used.
- (iii) The maximum feed water concentration that can be used during a challenge test is based on the detection limit of the challenge particulate in the filtrate and must be determined according to the following equation:
Maximum Feed Concentration = $3.16 \times 10^6 \times (\text{Filtrate Detection Limit})$
- (iv) Challenge testing must be conducted according to representative hydraulic conditions at the maximum design flux and maximum design process recovery specified by the manufacturer for the membrane module. Flux is defined as the throughput of a pressure driven membrane process expressed as flow per unit of membrane area. Recovery is defined as the volumetric percent of feed water that is converted to filtrate over the course of an operating cycle uninterrupted by events such as chemical cleaning or a solids removal process (i.e., backwashing).
- (v) Removal efficiency of a membrane module must be calculated from the challenge test results and expressed as a log removal value according to the following equation:

$$LRV = LOG_{10}(Cf) - LOG_{10}(Cp)$$

Where:

LRV = log removal value demonstrated during the challenge test;

C_f = the feed concentration measured during the challenge test; and

C_p = the filtrate concentration measured during the challenge test. Equivalent units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, the term C_p is set equal to the detection limit for the purpose of calculating the LRV. An LRV must be calculated for each membrane module evaluated during the challenge test.

- (vi) The removal efficiency of a membrane filtration process demonstrated during challenge testing must be expressed as a log removal value (LRVC-Test). If fewer than 20 modules are tested, then LRVC-Test is equal to the lowest of the representative LRVs among the modules tested. If 20 or more modules are tested, then LRVC-Test is equal to the 10th percentile of the representative LRVs among the modules tested. The percentile is defined by $(i/(n+1))$ where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.
 - (vii) The challenge test must establish a quality control release value (QCRV) for a non-destructive performance test that demonstrates the *Cryptosporidium* removal capability of the membrane filtration module. This performance test must be applied to each production membrane module used by the system that was not directly challenge tested in order to verify *Cryptosporidium* removal capability. Production modules that do not meet the established QCRV are not eligible for the treatment credit demonstrated during the challenge test.
 - (viii) If a previously tested membrane is modified in a manner that could change the removal efficiency of the membrane or the applicability of the non-destructive performance test and associated QCRV, additional challenge testing to demonstrate the removal efficiency of, and determine a new QCRV for, the modified membrane must be conducted and submitted to the Department.
- (J) Challenge Study requirements for Bag and Cartridge Filtration.
- (i) The *Cryptosporidium* treatment credit awarded to bag or cartridge filters must be based on the removal efficiency demonstrated during challenge testing that is conducted according to the criteria specified in this paragraph. A factor of safety equal to 1-log for individual bag or cartridge filters and 0.5-log for bag or cartridge filters in series must be applied to

challenge testing results to determine removal credit. Water systems may use results from challenge testing conducted prior to June 1, 2009 if the prior testing was consistent with the criteria specified in this paragraph.

- (ii) Challenge testing must be performed on full-scale bag or cartridge filters and the associated filter housing or pressure vessel, that are identical in material and construction to the filters and housings the water system will use for removal of *Cryptosporidium*. Bag or cartridge filters must be challenge tested in the same configuration that the system will use, either as individual filters or as a series configuration of filters.
- (iii) Challenge testing must be conducted using *Cryptosporidium* or a surrogate that is removed no more efficiently than *Cryptosporidium*. The microorganism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate must be determined using a method capable of discreetly quantifying the specific microorganism or surrogate used in the test; gross measurements such as turbidity may not be used.
- (iv) The maximum feed water concentration that can be used during a challenge test must be based on the detection limit of the challenge particulate in the filtrate (i.e., filtrate detection limit) and must be calculated using the following equation:
Maximum Feed Concentration = $1 \times 10^4 \times$ (Filtrate Detection Limit)
- (v) Challenge testing must be conducted at the maximum design flow rate for the filter as specified by the manufacturer.
- (vi) Each filter evaluated must be tested for a duration sufficient to reach 100 percent of the terminal pressure drop, which establishes the maximum pressure drop under which the filter may be used to comply with the requirements of this paragraph.
- (vii) Removal efficiency of a filter must be determined from the results of the challenge test and expressed in terms of log removal values using the following equation:

$$LRV = LOG10(Cf) - LOG10(Cp)$$

Where:

LRV = log removal value demonstrated during challenge testing;

Cf = the feed concentration measured during the challenge test; and

Cp = the filtrate concentration measured during the challenge test. In applying this equation, the same units must be used for the feed and filtrate concentrations. If the challenge particulate

is not detected in the filtrate, then the term C_p must be set equal to the detection limit.

- (viii) Each filter tested must be challenged with the challenge particulate during three periods over the filtration cycle: within two hours of start-up of a new filter; when the pressure drop is between 45 and 55 percent of the terminal pressure drop; and at the end of the cycle after the pressure drop has reached 100 percent of the terminal pressure drop. An LRV must be calculated for each of these challenge periods for each filter tested. The LRV for the filter (LRV_{filter}) must be assigned the value of the minimum LRV observed during the three challenge periods for that filter.
 - (ix) If fewer than 20 filters are tested, the overall removal efficiency for the filter product line must be set equal to the lowest LRV_{filter} among the filters tested. If 20 or more filters are tested, the overall removal efficiency for the filter product line must be set equal to the 10th percentile of the set of LRV_{filter} values for the various filters tested. The percentile is defined by $(i/(n+1))$ where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.
 - (x) If a previously tested filter is modified in a manner that could change the removal efficiency of the filter product line, challenge testing to demonstrate the removal efficiency of the modified filter must be conducted and submitted to the Department.
- (d) Criteria and procedures for public water systems using point-of-entry (POE) or point-of-use (POU) devices.
- (A) Public water systems may use POE or POU devices to comply with maximum contaminant levels, where allowed, only if they meet the requirements of this subsection.
 - (B) It is the responsibility of the public water system to operate and maintain the POE or POU treatment system.
 - (C) The public water system must develop and obtain Department approval for a monitoring plan before POE or POU devices are installed for compliance. Under the plan approved by the Department, POE or POU devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all Maximum Contaminant Levels as prescribed in OAR 333-061-0030 and would be of acceptable quality similar to water distributed by a well-operated central treatment plant. Monitoring must include contaminant removal efficacy, physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.

- (D) Effective technology must be properly applied under a plan approved by the Department and the microbiological safety of the water must be maintained.
 - (i) The water supplier must submit adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the POE or POU devices to the Department for approval prior to installation.
 - (ii) The design and application of the POE or POU devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contractor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.
 - (iii) The POE or POU device must be evaluated to assure that the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels of lead and copper at the tap.
- (E) All consumers shall be protected. Every building connected to the system must have a POE or POU device installed, maintained, and adequately monitored. The Department must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of property.
- (5) Facilities for continuous disinfection and disinfectant residual maintenance:
 - (a) Water obtained from surface sources or groundwater sources under the direct influence of surface water shall, as a minimum, be provided with continuous disinfection before such water may be used as a source of supply for a public water system. Water obtained from wells constructed in conformance with the requirements of these rules and which is found not to exceed microbiological maximum contaminant levels, may be used without treatment at public water systems;
 - (b) Water obtained from wells or springs shall be considered groundwater unless determined otherwise by the Department. Wells and springs may be utilized without continuous disinfection if the construction requirements of section (2) of this rule are met and analyses indicate that the water consistently meets microbiological standards. A well or spring that is inadequately constructed and shows a history of microbiological contamination shall first be upgraded to meet current construction standards, and if microbiological contamination still persists, then continuous disinfection shall be provided prior to use in public water systems.
 - (c) In public water systems where continuous disinfection is required as the sole form of treatment, or as one component of more extensive treatment to meet

the requirements prescribed in OAR 333-061-0032(1), the facilities shall be designed so that:

- (A) The disinfectant applied shall be capable of effectively destroying pathogenic organisms;
 - (B) The disinfectant is applied in proportion to water flow; and
 - (C) Disinfectants, other than ultraviolet light and ozone disinfection treatment, shall be capable of leaving a residual in the water which can be readily measured and which continues to serve as an active disinfectant; and
 - (D) Sufficient contact time shall be provided to achieve "CT" values capable of the inactivation required by OAR 333-061-0032(1). For ultraviolet light disinfection treatment, sufficient irradiance expressed in milliWatts per square centimeter (mWs/cm²) and exposure time expressed in seconds shall be provided to achieve UV dose levels expressed as (mWs/cm²) or milli-Joules per square centimeter (mJ/cm²) capable of the inactivation required by OAR 333-061-0032(1).
- (d) When continuous disinfection, other than ultraviolet light disinfection, is required for reasons other than the treatment of surface water sources or groundwater sources under the direct influence of surface water, in addition to the requirements of paragraphs (5)(c)(A) through (C) of this rule, the facilities shall be designed so that:
- (A) The primary disinfection treatment is sufficient to ensure at least 99.99 percent (4-log) inactivation and/or removal of viruses as determined by the Department, or;
 - (B) There is sufficient contact time provided to achieve disinfection under all flow conditions between the point of disinfectant application and the point of first water use:
 - (i) When chlorine is used as the primary disinfectant, the system shall be constructed to achieve a free chlorine residual of 0.2 mg/l after 30 minutes contact time under all flow conditions before first water use;
 - (ii) When ammonia is added to the water with the chlorine to form a chloramine as the disinfectant, the system shall be constructed to achieve a combined chlorine residual of at least 2.0 mg/l after three hours contact time under all flow conditions before first water use;
- (e) Provisions shall be made to alert the water supplier before the chlorine supply is exhausted.
- (f) For continuous disinfection only, provisions shall be made for sampling the water before and after chlorination;
- (g) Testing equipment shall be provided to determine the chlorine residual;

- (h) Chlorinator piping shall be designed to prevent the contamination of the potable water system by backflow of untreated water or water having excessive concentrations of chlorine;
- (i) The disinfectant must be applied in proportion to water flow;
- (j) Chlorine gas feeders and chlorine gas storage areas shall:
 - (A) Be enclosed and separated from other operating areas;
 - (B) Chlorine cylinders shall be restrained in position to prevent upset by chaining 100 and 150 pound cylinders two-thirds of their height up from the floor and by double chocking one ton cylinders;
 - (C) The room housing the feeders and cylinders shall be above ground surface, shall have doors which open outward and to the outside and shall be ventilated by mechanical means at floor level and shall have an air intake located higher than the exhaust ventilation;
 - (D) Be located so that chlorine gas, if released, will not flow into the building ventilation systems;
 - (E) Have corrosion resistant lighting and ventilation switches located outside the enclosure, adjacent to the door;
 - (F) Be provided with a platform or hydraulic scale for measuring the weight of the chlorine cylinders;
 - (G) Be provided with a gas mask or self contained breathing apparatus approved by the National Institute of Occupational Safety and Health (NIOSH) for protection against chlorine gas and kept in good working condition. Storage of such equipment shall be in an area adjoining the chlorine room and shall be readily available. (Also see the Oregon Occupational Health and Safety regulations contained in OAR chapter 437.)
- (k) When continuous disinfection treatment is provided through ultraviolet light (UV) disinfection, the facilities shall be designed to meet the requirements of this subsection:
 - (A) The UV unit must achieve the dosage indicated in Table 37 for the required pathogen inactivation.
 - (B) Ultraviolet lamps are insulated from direct contact with the influent water and are removable from the lamp housing;
 - (C) The treatment unit must have an upstream valve or device that prevents flows from exceeding the manufacturer's maximum rated flow rate, an ultraviolet light sensor that monitors light intensity through the water during operation, and a visual and audible alarm with an automatic water flow shut-off if the ultraviolet light intensity drops below the failsafe set point;
 - (D) There must be a visual means to verify operation of all ultraviolet lamps;
 - (E) The lamps, lamp sleeves, housings and other equipment must be able to withstand a working pressure of at least 100 psig (689 kPa);

- (F) The treatment facility must be sheltered from the weather and accessible for routine maintenance as well as routine cleaning and replacement of the lamp sleeves and cleaning of the sensor windows/lenses;
 - (G) The lamps must be changed as per the manufacturer's recommendation; and
 - (H) The treatment unit must have shut-off valves at both the inlet side and the outlet side of the treatment unit. There shall be no bypass piping around the treatment unit.
 - (I) Reactor validation testing. All water systems, except those specified in paragraph (5)(k)(J) of this rule, must use UV reactors that have undergone validation testing to determine the operating conditions under which the reactor delivers the UV dose required in OAR 333-061-0036(5)(c) (i.e., validated operating conditions). These operating conditions must include flow rate, UV intensity as measured by a UV sensor, and UV lamp status.
 - (i) When determining validated operating conditions, water systems must account for the following factors: UV absorbance by the water; lamp fouling and aging; measurement uncertainty of on-line sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps or other critical system components; and inlet and outlet piping or channel configurations of the UV reactor.
 - (ii) Validation testing must include the following: full scale testing of a reactor that conforms uniformly to the UV reactors used by the water system and inactivation of a test microorganism whose dose response characteristics have been quantified with a low pressure mercury vapor lamp.
 - (iii) The Department may approve an alternative approach to validation testing.
 - (J) Non-Community water systems using only groundwater sources, and having minimal distribution systems as determined by the Department, may use ultraviolet light as the only disinfectant when total coliforms have been detected in the source water and no *E. coli* has been detected. UV units must meet the specifications of a Class A UV system under the National Sanitation Foundation (NSF) standard 55. The minimum ultraviolet light failsafe dosage set point shall be equivalent to 40 mW-s/cm² (40 mJ/cm²) with a wavelength between 200 and 300 nanometers.
- (6) Finished water storage:
- (a) Distribution reservoirs and treatment plant storage facilities for finished water shall be constructed to meet the following requirements:

- (A) They shall be constructed of concrete, steel, wood or other durable material capable of withstanding external and internal forces which may act upon the structure;
- (B) Ground-level reservoirs shall be constructed on undisturbed soil, bedrock or other stable foundation material capable of supporting the structure when full;
- (C) Steel reservoirs, standpipes and elevated tanks shall be constructed in conformance with the AWWA Standards D100 and D103;
- (D) Concrete reservoirs shall be provided with sufficient reinforcing to prevent the formation of cracks, and waterstops and dowels shall be placed at construction joints. Poured-in-place wall castings shall be provided where pipes pass through the concrete;
- (E) Wooden reservoirs shall be redwood or other equally durable wood and shall be installed on a reinforced concrete base. Where redwood reservoirs are used, separate inlet and outlet pipes are required and the water entering the reservoir must be have a disinfectant continuously applied so as to result in a detectable residual in the water leaving the reservoir;
- (F) Start-up procedures for new redwood tanks shall consist of filling the tank with a solution of water containing a minimum of two pounds of sodium carbonate per 1,000 gallons of water and retaining this solution in the tank a minimum of seven days before flushing;
- (G) Where ground-level reservoirs are located partially below ground, the bottom shall be above the ground water table and footing drains discharging to daylight shall be provided to carry away ground water which may accumulate around the perimeter of the structure;
- (H) The finished water storage capacity shall be increased to accommodate fire flows when fire hydrants are provided;
- (I) Finished water storage facilities shall have watertight roofs;
- (J) An access manhole shall be provided to permit entry to the interior for cleaning and maintenance. When the access manhole is on the roof of the reservoir there shall be a curbing around the opening and a lockable watertight cover that overlaps the curbing;
- (K) Internal ladders of durable material, shall be provided where the only access manhole is located on the roof;
- (L) Screened vents shall be provided above the highest water level to permit circulation of air above the water in finished water storage facilities;
- (M) A drain shall be provided at the lowest point in the bottom, and an overflow of sufficient diameter to handle the maximum flow into the tank shall be provided at or near the top of the sidewall. The outlet ends of the drain and overflow shall be fitted with angle-flap valves or equivalent protection and shall discharge with an airgap to a watercourse or storm drain capable of accommodating the flow;

- (N) A silt stop shall be provided at the outlet pipe;
 - (O) Where a single inlet/outlet pipe is installed and the reservoir floats on the system, provisions shall be made to insure an adequate exchange of water and to prevent degradation of the water quality and to assure the disinfection levels required in subparagraph (5)(c)(D)(i) of this rule;
 - (P) A fence or other method of vandal deterrence shall be provided around distribution reservoirs;
 - (Q) When interior surfaces of finished water storage tanks are provided with a protective coating, the coating shall meet the requirements of National Sanitation Foundation Standard 61, Section 9 - Drinking Water System Components -- Health Effects (Revised September 1994) or equivalent.
 - (R) Reservoirs and clearwells that are to be used for disinfection contact time to treat surface water shall use a tracer study to determine the actual contact time. The Department must approve procedures and protocols for the tracer study prior to the initiation of the study. The Department recommends the USEPA SWTR Guidance Manual for tracer study procedure and protocol.
 - (S) Reservoirs and clearwells that are to be used for disinfection contact time to treat surface water shall have a means to adequately determine the flow rate on the effluent line.
- (b) Pressure tanks for finished water shall meet the following requirements:
- (A) Pressure tanks shall be installed above normal ground surface;
 - (B) Bypass piping around the pressure tank shall be provided to permit operation of the system while the tank is being maintained or repaired;
 - (C) Pressure tanks greater than 1,000 gallons shall be provided with an access manhole and a water sight-glass.
 - (D) All pressure tanks shall be provided with a drain, a pressure gauge, an air blow-off valve, means for adding air and pressure switches for controlling the operation of the pump(s);
 - (E) Pressure tanks shall be constructed of steel or an alternative material provided the tank is NSF 61 certified and shall be designed for pressure at least 50 percent greater than the maximum system pressure anticipated.
- (7) Pumping facilities:
- (a) Wherever possible, booster pumps shall take suction from tanks and reservoirs to avoid the potential for negative pressures on the suction line which result when the pump suction is directly connected to a distribution main;
 - (b) Pumps which take suction from distribution mains for the purpose of serving areas of higher elevation shall be provided with a low pressure cut-off switch on the suction side set at no less than 20 psi;

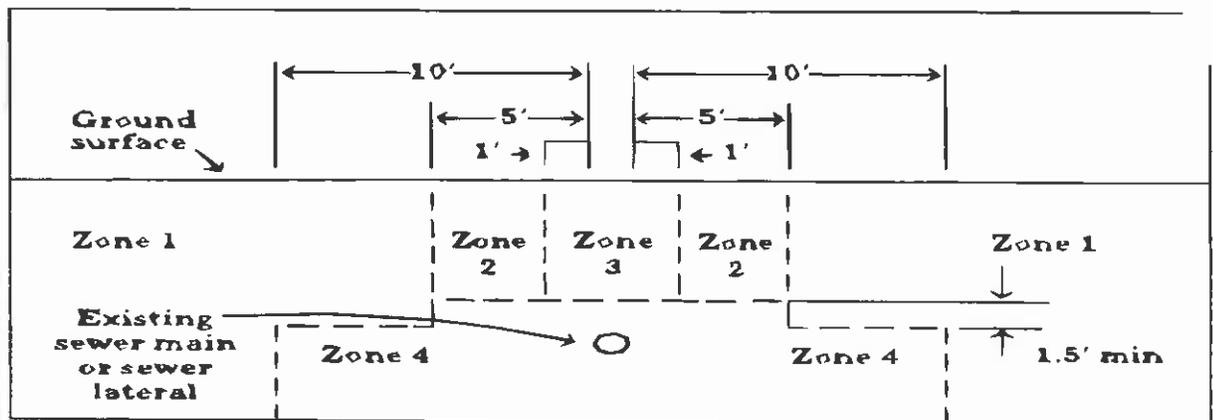
- (c) Suction lift at pumping stations shall be avoided as far as possible, and pumps shall be installed so that the suction line is under a positive head. If suction lift cannot be avoided, provision shall be made for priming with water which does not exceed maximum contaminant levels;
 - (d) Pumping stations shall be located above maximum anticipated 100-year (1 percent) flood level, and the area around the pumping station shall be graded so that surface drainage is away from the station;
 - (e) Pumping stations shall be of durable construction so as to protect the equipment from the elements. The door to the pumping station shall be lockable, and facilities for heating and lighting shall be provided. The floor of the pumping station shall be sloped to provide adequate drainage.
- (8) Distribution systems:
- (a) Wherever possible, distribution pipelines shall be located on public property. Where pipelines are required to pass through private property, easements shall be obtained from the property owner and shall be recorded with the county clerk;
 - (b) Pipe, pipe fittings, valves and other appurtenances utilized at Community water systems shall be manufactured, installed and tested in conformance with the latest standards of the American Water Works Association, National Sanitation Foundation or other equivalent standards acceptable to the Department;
 - (c) In Community water systems, distribution mains located in public roadways or easements, and the portion of the service connections from the distribution main to the customer's property line or service meter where provided are subject to the requirements of these rules. The piping from the customer's property line, or the meter where provided, to the point of water use (the building supply line) is subject to the requirements of the State Plumbing Code;
 - (d) In all Public Water Systems where the system facilities and the premises being served are both on the same parcel of property, requirements relating to pipe materials and pipe installation shall comply with the State Plumbing Code;
 - (e) Distribution piping shall be designed and installed so that the pressure measured at the property line in the case of Community water systems, or at the furthest point of water use, in the case of a Transient Non-Community water system of the type described in subsection (d) of this section, shall not be reduced below 20 psi;
 - (f) Distribution piping shall be carefully bedded and fully supported in material free from rocks and shall be provided with a cover of at least 30 inches. Select backfill material shall be tamped in layers around and over the pipe to support and protect it. Large rocks or boulders shall not be used as backfill over the pipe;
 - (g) Provision shall be made at all bends, tees, plugs, and hydrants to prevent movement of the pipe or fitting;

- (h) Wherever possible, dead ends shall be minimized by looping. Where dead ends are installed, or low points exist, blow-offs of adequate size shall be provided for flushing;
 - (i) Air-relief valves shall be installed at high points where air can accumulate. The breather tube on air-relief valves shall be extended above ground surface and provided with a screened, downward facing elbow;
 - (j) Yarn, oakum, lead or other material which may impair water quality shall not be used where it will be in contact with potable water;
 - (k) Nonconductive water pipe (plastic or other material) that is not encased in conductive pipe or casing must have an electrically conductive wire or other approved conductor for locating the pipe when the pipeline is underground. The wire shall be No. 18 AWG (minimum) solid copper with blue colored insulation. Ends of wire shall be accessible in water meter boxes, valve boxes or casings, or outside the foundation of buildings where the pipeline enters the building. The distance between tracer lead access locations shall not be more than 1,000 feet. Joints or splices in wire shall be waterproof.
 - (l) Piping that is to be used for disinfection contact time shall be verified by plug flow calculations under maximum flow conditions.
- (9) Crossings-Sanitary sewers and water lines:
- (a) All reference to sewers in this section shall mean sanitary sewers;
 - (b) In situations involving a water line parallel to a sewer main or sewer lateral, the separation between the two shall be as indicated in Figure 1;
 - (c) In situations where a water line and a sewer main or sewer lateral cross, the separation between the two shall be as follows:
 - (A) Wherever possible, the bottom of the water line shall be 1.5 feet or more above the top of the sewer line and one full length of the water line shall be centered at the crossing;
 - (B) Where the water line crosses over the sewer line but with a clearance of less than 1.5 feet, the sewer line shall be exposed to the sewer line joints on both sides of the crossing to permit examination of the sewer pipe. If the sewer pipe is in good condition and there is no evidence of leakage from the sewer line, the 1.5-foot separation may be reduced. However, in this situation, the water supplier must center one length of the water line at the crossing and must prepare a written report of the findings and indicating the reasons for reducing the separation. If the water supplier determines that the conditions are not favorable or finds evidence of leakage from the sewer line, the sewer line shall be replaced with a full length of pipe centered at the crossing point, of PVC pressure pipe (ASTM D-2241, SDR 32.5), high-density PE pipe (Drisco pipe 1000), ductile-iron Class 50 (AWWA C-51), or other acceptable pipe; or the sewer shall be encased in a reinforced concrete jacket for a distance of 10 feet on both sides of the crossing.
 - (C) Where the water line crosses under the sewer line, the water supplier shall expose the sewer line and examine it as indicated in paragraph

(9)(c)(B) of this rule. If conditions are favorable and there is no evidence of leakage from the sewer line, the sewer line may be left in place, but special precautions must be taken to assure that the backfill material over the water line in the vicinity of the crossing is thoroughly tamped in order to prevent settlement which could result in the leakage of sewage. In this situation, the water supplier must center one length of the water line at the crossing and must prepare a written report recording the manner in which the sewer line was supported at the crossing and the material and methods used in backfilling and tamping to prevent settlement of the sewer. If the water supplier determines that conditions are not favorable or finds evidence of leakage from the sewer line, the provisions of paragraph (9)(c)(B) of this rule apply.

- (d) When a water main is installed under a stream or other watercourse, a minimum cover of 30 inches shall be provided over the pipe. Where the watercourse is more than 15 feet wide, the pipe shall be of special construction with flexible watertight joints, valves shall be provided on both sides of the crossing so that the section can be isolated for testing or repair, and test cocks shall be provided at the valves.

Figure 1: Water Line-Sewer Line Separation



- Zone 1: Only crossing restrictions apply;
- Zone 2: Case-by-case determination;
- Zone 3: Parallel water line prohibited;
- Zone 4: Parallel water line prohibited;

- (10) Disinfection of facilities:
- (a) Following completion of new facilities and repairs to existing facilities, those portions of the facilities which will be in contact with the water delivered to users shall be disinfected with chlorine before they are placed into service. Other disinfectants may be used if it is demonstrated that they can also achieve the same result as chlorine;
 - (b) Prior to disinfection, the facilities shall be cleaned and flushed with potable water according to AWWA Standards C651 through C654;

- (c) For wells, valves, pumps, water mains and service connections, disinfection by chlorination shall be accomplished according to AWWA standards C651 through C654 which includes, but is not limited to, the introduction of a chlorine solution with a free chlorine residual of 25 mg/l into the system in a manner which will result in a thorough wetting of all surfaces and the discharge of all trapped air. The solution shall remain in place for 24 hours. After the 24-hour period, the free chlorine residual shall be checked, and if it is found to be 10 mg/l or more, the chlorine solution shall be drained, the facility flushed with potable water and a minimum of two consecutive samples taken at least 24 hours apart shall be collected from the facility for microbiological analysis. If the results of the analysis indicate that the water is free of coliform organisms, the facility may be put into service. If the check measurement taken after the 24-hour contact period indicates a free chlorine residual of less than 10 mg/l, the facilities shall be flushed, rechlorinated and rechecked until a final residual of 10 mg/l or more is achieved. Likewise, if the microbiological analysis indicates the presence of coliform organisms, the flushing and disinfection must be repeated until a sample free of coliform organisms is obtained;
- (d) For reservoirs and tanks, disinfection by chlorination shall be accomplished according to AWWA Standard C652 which includes, but is not limited to, the following methods:
 - (A) Filling the reservoir or tank and maintaining a free chlorine residual of not less than 10 mg/l for the appropriate 6 or 24 hour retention period; or
 - (B) Filling the reservoir or tank with a 50 mg/l chlorine solution and leaving for six hours; or
 - (C) Directly applying by spraying or brushing a 200 mg/l solution to all surfaces of the storage facility in contact with water if the facility were full to the overflow elevation.
- (e) When the procedures described in paragraphs (10)(d)(A) and (B) of this rule are followed, the reservoir or tank shall be drained after the prescribed contact period and refilled with potable water, and a sample taken for microbiological analysis. If the results of the analysis indicate that the water is free of coliform organisms, the facility may be put into service. If not, the procedure shall be repeated until a sample free of coliform organisms is obtained;
- (f) When the procedure described in paragraph (10)(d)(C) of this rule is followed, the reservoir or tank shall be filled with potable water and a sample taken for microbiological analysis. It will not be necessary to flush the reservoir or tank after the chlorine solution is applied by spraying or brushing. Microbiological analysis shall indicate that the water is free of coliform organisms before the facility can be put into service;
- (g) When a reservoir is chlorinated following routine maintenance, inspection, or repair, it may be put back into service prior to receiving the report on the

microbiological analysis provided the water leaving the reservoir has a free chlorine residual of at least 0.4 mg/l or a combined chlorine residual of at least 2.0 mg/l.

- (h) Underwater divers used for routine maintenance, inspection, or repair of reservoirs shall use a full body dry suit with hardhat scuba and an external air supply. The diver shall be disinfected by spraying a 200 mg/l solution of chlorine on all surfaces that will come into contact with drinking water.
- (i) A water line may be returned to service, following repairs or routine maintenance, prior to receiving a report on the microbiological analysis if the following procedures have been completed.
 - (A) Customer meters were shut off prior to placing the water line out of service;
 - (B) The area below the water line to be repaired was excavated and dewatered;
 - (C) The exposed pipe was treated with a hypochlorite solution;
 - (D) The water line and any other appurtenance or item affected by the repair and/or maintenance was disinfected by chlorination according to AWWA standards C651 through C654;
 - (E) The water line was flushed thoroughly, and a concentration of residual chlorine has been re-established that is comparable to the level normally maintained by the water system, if applicable; and
 - (F) Microbiological analysis has been conducted as a record of repair effectiveness.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150, 448.273, 448.279

333-061-0055

Waivers from Construction Standards

The Department may grant waivers from the construction standards prescribed by these rules:

- (1) When it is demonstrated to the satisfaction of the Department that strict compliance with the rule would be highly burdensome or impractical due to special conditions or causes; and
- (2) When the public or private interest in the granting of the waiver is found by the Department to clearly outweigh the interest of the application of uniform rules; and
- (3) When alternate measures are provided which, in the opinion of the Department, will provide adequate protection to the health and safety of the public including the ability to produce water which does not exceed the maximum contaminant levels listed in OAR 333-061-0030.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.131 & 448.135

Pelz, Zach

From: Vicky and Pat [patvicsmith@q.com]
Sent: Wednesday, September 19, 2012 7:12 AM
To: lamontking@comcast.net
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; DJ Heffernan; Pelz, Zach; Carl Edwards
Subject: Re: Next Steps with LOT

Follow Up Flag: Follow up
Flag Status: Flagged

I will leave that to COWL to explain how OAR's fall in the COWL's "order of precedence" relative to their adopted codes.

OAR's are Oregon Administrative Rules I just noticed the pages DJ sent - I guess provided by LOT - appeared to be pulled from the OAR's

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Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, "DJ Heffernan" <djheff1@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>, "Carl Edwards" <lindaedwards@clear.net>
Sent: Tuesday, September 18, 2012 10:10:26 PM
Subject: Re: Next Steps with LOT

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Sent: Tuesday, September 18, 2012 5:12:35 PM
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Sent: Tuesday, September 18, 2012 7:30:28 AM
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Sent: Monday, September 17, 2012 8:54:13 PM
Subject: Re: Next Steps with LOT

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Subject: Re: Next Steps with LOT

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Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, "Chris Kerr" <ckerr@westlinnoregon.gov>, ZPELZ@westlinnoregon.gov, Stowell5050@aol.com, lamontking@comcast.net
Sent: Monday, September 17, 2012 1:55:01 PM
Subject: Next Steps with LOT

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--
DJ Heffernan
503.310.2306

Pelz, Zach

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Sent: Tuesday, September 18, 2012 10:10 PM
To: Vicky and Pat
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; DJ Heffernan; Pelz, Zach; Edwards, Carl
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Flag Status: Completed

Zach -

The neighborhood would really like clarity on the City's position on the location/ separation issue and if COWL will require the 10 foot minimum separation between all new waterlines and the existing sewer line. The City's answer will obviously effect the areas of impact and restoration.

Just to note a few of the applicants plan sheets, Figures 22,23, 24 all show dimensions that provide less than 10 feet of separation. As we have mentioned before, these same plans show a location for the new local waterline that could not be built "a head of the raw waterline" as detailed in the applicants draft schedule, and more importantly appears to be located where numerous service disruptions will result over the 3 month transmission line installation.

We look forward to the City's response. - Vicky

From: "Vicky and Pat" <patvicsmith@q.com>
To: "DJ Heffernan" <djheffl@gmail.com>, "Zach Pelz" <zpelz@westlinnoregon.gov>
Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Tuesday, September 18, 2012 7:30:28 AM
Subject: Re: Next Steps with LOT

DJ and Zach

These are the OAR's not West Linn codes which say 10 feet clear. I would like to see in writing that COWL has allowed something less than 10 feet, which as we have have said puts more risk to COWL's existing systems, increases future maintenance expenses and clouds the liability should any "water incident occur.

Having worked around the City of Portland water transmission lines from Bull Run, COP goes to great lengths to protect these systems.

From: "DJ Heffernan" <djheffl@gmail.com>
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Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, Stowell5050@aol.com, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net
Sent: Monday, September 17, 2012 8:54:13 PM
Subject: Re: Next Steps with LOT

Vickie - I mentioned the pipe separation issue with the new water lines to Jon. He said they are aware of that design

requirement and sent that attached, referencing pages 23 and 24 and Figure 1. He said that where the water lines are closer than 10', the invert elevation of the sewer line is lower than the elevation of the water lines. He said they do not need any variances from the rule.

DJ

On 9/17/12 3:44 PM, "Vicky and Pat" <patvicsmith@q.com> wrote:

I have NOT seen any emails from Jon.

Lamont and DJ

I was asking about LOT's answers to the RNA neighbor submitted questions

Someone needs to ask for the things I listed off below ... they were all promised by LOT as i understand it AND the clock is ticking down to the hearing

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Subject: Re: Next Steps with LOT

I gather everyone got John's e-mail from earlier today with the .pdf file that has their replies to the mitigation list? He said the map was being revised so stay tuned for that.

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Cc: shanonmv@comcast.net, noelblake@comcast.net, RNAGNC@gmail.com, ericjones2009@aol.com, "Chris Kerr" <ckerr@westlinnoregon.gov>, ZPELZ@westlinnoregon.gov, Stowell5050@aol.com, lamontking@comcast.net
Sent: Monday, September 17, 2012 1:55:01 PM
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Thanks

--
DJ Heffernan
503.310.2306

Pelz, Zach

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Sent: Tuesday, September 18, 2012 7:30 AM
To: DJ Heffernan; Pelz, Zach
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Stowell5050@aol.com; Newell, David; lamontking@comcast.net
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To: DJ Heffernan; King Lamont
Cc: shanonmv@comcast.net; noelblake@comcast.net; RNAGNC@gmail.com; ericjones2009@aol.com; Kerr, Chris; Pelz, Zach; Stowell5050@aol.com; lamontking@comcast.net
Subject: Next Steps with LOT

Follow Up Flag: Follow up
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Thanks

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Wednesday, September 12, 2012 1:05 PM
To: Pelz, Zach; RNA Great Neighbor Committee
Subject: CUP 12-04 Deny the WTP and pipeline

Lake Oswego's Communications Director and the City of West Linn like to make a big issue out of
"civility"

to turn the public consciousness away from the FACTS of the proposed Water Treatment Plant. The LO Communication Director will call for West Linn police back up and feign "a lack of civility" at public meetings solely for the purpose of distraction. When, in fact, LO's problem is the project lacks merit. For LO, Tigard, and West Linn, this Trojan Horse approach has no bearing or basis of fact when it comes to getting their project approved. But if enough people can be persuaded that poor lil' LO is being treated unfairly, then the LO Communications Director would have done her job!

Simply put, the water plant is too big for the site LO owns and LO creates unmitigated risks, depreciating property values, and the destruction of a well-established diverse neighborhood in a city where they have no jurisdiction! So to succeed, you need to co-opt the process. Because what city in Oregon would chop off it's own nose to spite it's face?

Answer? According to the WL cms' view of his own town, anyone who disagrees with his singular autocratic style of governance is called out as a "problem" and "uncivil". Worse yet, the project proposal would not have even been considered if it wasn't for the West Linn city manager who wouldn't know a proper conditional use process no matter how many attorneys he hires. To the West Linn city manager, a "community advocate" is a four-letter word and the planning process a bane to his very existence. And his disdain for public communications, neighborhoods, public access TV, public arts, etc. is a well-documented fact. Not to mention his losing percentage of conditional use projects that have occurred on his watch AND questionable engineering management practices.

Sadly, the perspective and actions of city directors is to parrot this mindset and cry "wolf" every time their very own incompetence and preconceived plans are thwarted. Instead of actually hiring trained engineering firms and architects to perform their jobs, the consultants do just what they are told to do by their "clients".

To maneuver around public participation and dispense with the time consuming effort of *cooperating* with affected residents, cities go trolling for situations that they can "co-opt". By manipulating a few well-intentioned souls (or not so well intentioned[or individually biased]) into the process, buy-in is gained by concession as opposed to meeting the intent of local planning regulations. The whole planning process is nothing but a charade to provide the perspective that Goal One has been met. And to LO, that is civility!

Because if you apply local planning regulations, the proposed plant will NEVER meet code. So no matter how much cooperation the cities could muster, even had they decided to go that route, the plant would never meet the minimal standards of good neighborhood planning or design.

For more, please see <http://civictomfoolery.blogspot.com/>

Pelz, Zach

From: lamontking@comcast.net
Sent: Tuesday, September 11, 2012 12:55 PM
To: Pelz, Zach
Cc: Blake, Steve; Bob, Stowell; Bryck, Kevin; Jones, Eric; Kerr, Chris; Vicki, Smith
Subject: Re: GNC questions for Thurs. meeting
Attachments: image8ae127.gif@dfdac2fa.9c8a4eb9

Follow Up Flag: Follow up
Flag Status: Completed

Hi Zach,

I assume you will be getting several lists of concerns from members of the GNC regarding issues we would like to see addressed in the Staff Report. DJ will be sending a comprehensive list of concerns from our last GNC meeting. One of my concerns is how the Staff Report addresses Goal 7 in the Comprehensive Plan. This states (1) require development and associated alterations to the surrounding land be directed away from hazardous areas and (2) restrict development except where design and construction techniques can mitigate adverse effects and (3) required soils and geologic studies for development in hazardous areas.

My concern is that it is my understanding that the original application didn't include drilling studies beyond 30' in the ground. After several contentious meetings with the RNA they went back, did additional studies and discovered the liquefaction problem. These studies resulted in pilings being included to meet seismic concerns. Now they have reduced the footprint of the buildings and reduced the holding tank from 3 million to 2 million gallons to further mitigate seismic concerns. Does WL have a geologic report that provides detailed information about these concerns and why is LOT constantly adding more changes that reflect their concerns about this issue? Has our staff engineer studied the reports and concluded that this plan is safe for our neighborhood?

My second concern is more subjective. Goal 10 states we (1) preserve the character and identity of established neighborhoods and (2) assure good functional and aesthetic design in single family and multifamily developments. This new plant still looks and feels industrial even though LOT has worked to make it less so. The current plant is largely hidden by landscaping and not as intrusive as this new plant looks on paper.

Finally we have the construction phase. 7,700 large trucks travelling our streets and all going through our one light on Cedaroak onto Hwy 43. This is going to be a nightmare for those living in the area or trying to use Hwy 43 during construction. I am concerned for the children walking to school, particularly on Mapleton, where LOT is now contemplating removing the 6' access path during construction. How will the Staff Report insure the safety of our citizens during this period?

Thank you for meeting with us and I look forward to having a meaningful discussion on these issues which if you agree, some of our concerns can be further addressed in the Staff Report .

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: lamontking@comcast.net
Cc: "Chris Kerr" <ckerr@westlinnoregon.gov>
Sent: Tuesday, September 11, 2012 9:18:02 AM
Subject: GNC questions for Thurs. meeting

Lamont,

I wanted to send a quick note to remind you that I'd appreciate a list of your questions and anticipated discussion topics prior to our tentative meeting this Thursday.

Thanks,

Zach

 City of
**West
Linn**

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

Pelz, Zach

From: lamontking@comcast.net
Sent: Tuesday, September 11, 2012 10:02 AM
To: Vicky and Pat
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris; Newell, David; DJ Heffernan; Pelz, Zach
Subject: Re: Meeting times.....
Attachments: imagebc7753.gif@2e73b100.25c947a1

Zach is requesting questions for him to research prior to our meeting on Thursday. DJ, could you send him a list of the topics you intend to discuss? Would appreciate all of you taking some time and emailing Zach with what you perceive as inadequacies in the staff report for both the WTP and the pipeline.

Thanks,

Lamont

From: "Vicky and Pat" <patvicsmith@q.com>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <kevinbryck@comcast.net>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shanonmv@comcast.net>, "Eric Jones" <ericjones2009@aol.com>, "Chris Kerr" <ckerr@westlinnoregon.gov>, "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net, "DJ Heffernan" <djheff1@gmail.com>
Sent: Tuesday, September 11, 2012 9:35:40 AM
Subject: Re: Meeting times.....

Zach -

In reviewing the pipeline Land Use application - there is absolutely NO mention of any improvements on Mapleton. How can such a major project have no restoration indicated except a top lift of pavement. In advance of the Thursday's meeting, I would appreciate knowing if my assessment of the improvements on Mapleton are correct or if there is another document I missed reviewing that would detail any improvements planned on Mapleton.

While the City has heard that many of the Mapleton residents do not want "full width" street improvements that had been identified at the pre-app meeting, we did not intend to be left with nothing.

Again, this relates to the applicant providing information that clearly delineates the cumulative impacts of all the pieces of this major project. From my earlier email below I am hoping to see the COWL staff's explanation and recommendations regarding the cumulative impact of both the WTF and the pipeline work on Mapleton.

I did a very quick check on the number of truck trips, just from the description of the expected excavation indicated in the report and I could not duplicate them - they appear very optimistic. I would be interested to see how the COWL staff evaluated these numbers.

Thanks again for your time. Vicky

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Sent: Friday, September 7, 2012 1:15:52 PM
Subject: Re: Meeting times.....

Zach -

An early question.

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If the standard offset is maintained it will most likely mean more impacts to existing vegetation along Mapleton. As we are working to understand the impacts we want to make sure we are evaluating what will be installed.

Lastly, it appears there are many "conflicts" with the LOT transmission line, the existing Mapleton service line and the new service line. To ensure the least distribution of water service it would be very helpful for a review by your engineers on how this could be staged. Also in many places it appears our service line will be directly on top of the transmission line, I would have thought the City would want some separation for future maintenance and liability reasons.

Any feedback would be most helpful. Thanks, Vicky

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Sent: Friday, September 7, 2012 8:32:04 AM
Subject: RE: Meeting times.....

Lamont,

Let's tentatively schedule this meeting for Thursday, Sept. 13 from 6:30pm to 8pm at City Hall (I've booked the Rosemont Room (2nd Floor of City Hall) but there is court that day, scheduled to 5pm and it is not uncommon for them to run late – we may need to find another room at City Hall). The only issue I need to resolve on my end is confirmation from Chris Kerr.

DJ, to respond to your question of which staff report was scheduled for review by the Planning Director next week, the answer is: the memo responding to revisions to the Water Treatment Plant. Please be aware however, that given our

tight timeframe, I'm working hard to have the staff analysis of the pipeline application to the Planning Director by the end of next week or early the following week.

Thanks and have a great weekend,

Zach

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From: lamontking@comcast.net [mailto:lamontking@comcast.net]

Sent: Thursday, September 06, 2012 9:32 PM

To: DJ Heffernan

Cc: Steve Blake; Stowell Bob; Kevin Bryck; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris; Newell, David; Pelz, Zach

Subject: Re: Meeting times.....

How about Thursday at 6:30PM at City Hall? Zach, will that still allow you time to get any possible revisions to John Sonnen and are you available and able to get us a room?

Lamont

Pelz, Zach

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Sent: Tuesday, September 11, 2012 9:58 AM
To: Pelz, Zach
Subject: Re: GNC questions for Thurs. meeting
Attachments: image8ae127.gif@dfdac2fa.9c8a4eb9

They are being written up now...

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Attachments: imagebc7753.gif@2e73b100.25c947a1

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To: lamontking@comcast.net, "DJ Heffeman" <djheff1@gmail.com>
Cc: "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <kevinbryck@comcast.net>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shannonmv@comcast.net>, "Eric Jones" <ericjones2009@aol.com>, "Chris Kerr" <ckerr@westlinnoregon.gov>, "David Newell" <dnewell@alum.mit.edu>
Sent: Friday, September 7, 2012 8:32:04 AM
Subject: RE: Meeting times.....

Lamont,

Let's tentatively schedule this meeting for Thursday, Sept. 13 from 6:30pm to 8pm at City Hall (I've booked the Rosemont Room (2nd Floor of City Hall) but there is court that day, scheduled to 5pm and it is not uncommon for them to run late – we may need to find another room at City Hall). The only issue I need to resolve on my end is confirmation from Chris Kerr.

DJ, to respond to your question of which staff report was scheduled for review by the Planning Director next week, the answer is: the memo responding to revisions to the Water Treatment Plant. Please be aware however, that given our tight timeframe, I'm working hard to have the staff analysis of the pipeline application to the Planning Director by the end of next week or early the following week.

Thanks and have a great weekend,

Zach

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ZPELZ@westlinnoregon.gov
Associate Planner
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P: (503) 723-2542
F: (503) 656-4106
Web: westlinnoregon.gov

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From: lamontking@comcast.net [mailto:lamontking@comcast.net]

Sent: Thursday, September 06, 2012 9:32 PM

To: DJ Heffernan

Cc: Steve Blake; Stowell Bob; Kevin Bryck; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris; Newell, David; Pelz, Zach

Subject: Re: Meeting times.....

How about Thursday at 6:30PM at City Hall? Zach, will that still allow you time to get any possible revisions to John Sonnen and are you available and able to get us a room?

Lamont

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Friday, September 07, 2012 10:39 PM
To: Pelz, Zach
Subject: Fwd: IMO: Draft email to LOT_CUP 12-04 LOTWP in Robinwood

----- Forwarded message -----

From: Gary Hitesman <ghitesman@gmail.com>
Date: Fri, Sep 7, 2012 at 10:31 PM
Subject: IMO: Draft email to LOT
To: RNA Great Neighbor Committee <rnagnc@gmail.com>
Cc: Jones Eric <ericjones2009@aol.com>, Froode Dave <dfroode@comcast.net>, Smith Vicki <patvicsmith@msn.com>, Blake Steve <noelblake@comcast.net>, King Lamont <lamontking@comcast.net>, Newell David <dnewell@alum.mit.edu>, Stowell Bob <Stowell5050@aol.com>, Norby Jack & Karlene <jnorb@comcast.net>, Vroman Shanon <shanonmv@comcast.net>, jheisler@ci.oswego.or.us

Same BS. How can civility be introduced when the proposal in itself is obscene? And the lack of civility that LO brought with them last time still remains.

There are improvements that the partnership has made that offer consideration. But the smell of last May still lingers.

The facilitator should be invited to take a greater active role in improving Chapter 55 requirements, which still remain unmet, uncoordinated, and out of compliance. A contract with The McKenzie Group and Brown & Caldwell should be executed.

The Partnership can, and should, do better. Goal One and public participation is still messed up.

I see no progress that has been made to let down our guard nor inform the impacted public that their interests, and rights, have been met.

Gary Hitesman

From: "Heisler, Jane" <jheisler@ci.oswego.or.us>
Subject: **FW: Draft email to Robinwood Neighbors**
Date: September 7, 2012 4:00:28 PM PDT

Dear Robinwood Neighbor,

The Water Partnership has been hardly working to honor the three commitments made at the May West Linn Planning Commission conditional use hearing for the water treatment plant expansion. We promised to accomplish the following before returning to the Commission this fall:

- Submit the pipeline conditional use application so that both the water plant and pipeline applications can be held concurrently,
- Create a new emergency water supply agreement with the City of West Linn, and
- Further investigate impacts and enhancements requested by Robinwood's Great Neighbor Committee.

I am very pleased to tell you we have made good progress on all three fronts.

- The pipeline conditional use and design review application was submitted to West Linn Planning staff in late June. West Linn staff is completing its staff report and has indicated that a public hearing for both applications will be scheduled for October 17.
- City Managers of Tigard, Lake Oswego and West Linn have agreed on a draft water supply agreement. This commits the Partnership to provide West Linn with emergency and backup water that it needs for the next 30 years. Lake Oswego will adopt the IGA by October 9. Tigard is scheduled to adopt the agreement on September 25. West Linn will schedule its hearings in the near future.
- The City of West Linn hired Greg McKenzie to assist the Partnership and neighborhood representatives find additional common ground. The facilitator brought back a measure of civility to the discussion and helped produce solutions to many neighborhood concerns. The Partnership is happy to report that many of the differences are now addressed.

I would like to invite all of you to attend the next Robinwood Neighborhood Meeting on Tuesday, September 11 at 7:00 p.m. The discussion about the Partnership's land use application will begin no later than 7:45. Greg McKenzie will lead a discussion of the neighborhood's desired enhancements and how those are being addressed. I would encourage you to come next Tuesday. Thank you.

Jane Heisler, Communications Director

Lake Oswego Tigard Water Partnership

jheisler@ci.oswego.or.us

503-697-6573

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

Pelz, Zach

From: Vicky and Pat [patvicsmith@q.com]
Sent: Friday, September 07, 2012 1:16 PM
To: Pelz, Zach
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris; Newell, David; lamontking@comcast.net; DJ Heffernan
Subject: Re: Meeting times.....
Attachments: imagebc7753.gif@2e73b100.25c947a1

Follow Up Flag: Follow up
Flag Status: Completed

Zach -

An early question.

Regarding the pipeline, it appears in the drawing set I looked at that in several places the LOT transmission line had much less than the COWL standard separation from the sewer, I am sure the COWL engineering group is looking at this, but if it is left there it could make any future work the City may need to do on the sewer line much more expensive to protect the transmission line and also increases the risk of undermining the pipe bedding under this major pipe since I assume the sewer line is below the transmission line.

If the standard offset is maintained it will most likely mean more impacts to existing vegetation along Mapleton. As we are working to understand the impacts we want to make sure we are evaluating what will be installed.

Lastly, it appears there are many "conflicts" with the LOT transmission line, the existing Mapleton service line and the new service line. To ensure the least distribution of water service it would be very helpful for a review by your engineers on how this could be staged. Also in many places it appears our service line will be directly on top of the transmission line, I would have thought the City would want some separation for future maintenance and liability reasons.

Any feedback would be most helpful. Thanks, Vicky

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: lamontking@comcast.net, "DJ Heffernan" <djheffl@gmail.com>
Cc: "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <kevinbryck@comcast.net>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shannonmv@comcast.net>, "Eric Jones" <ericjones2009@aol.com>, "Chris Kerr" <ckerr@westlinnoregon.gov>, "David Newell" <dnewell@alum.mit.edu>
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Sent: Thursday, September 06, 2012 9:32 PM

To: DJ Heffernan

Cc: Steve Blake; Stowell Bob; Kevin Bryck; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris; Newell, David; Pelz, Zach

Subject: Re: Meeting times.....

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Sent: Friday, September 07, 2012 12:25 PM
To: Stowell5050@aol.com
Cc: noelblake@comcast.net; kevinbryck@comcast.net; patvicsmith@msn.com; shanonmv@comcast.net; ericjones2009@aol.com; Kerr, Chris; Newell, David; Pelz, Zach; djheff1@gmail.com
Subject: Re: Meeting times.....

We have a time set to discuss our concerns with WL Planning on next Thursday evening. That meeting might be a good place to start with our negotiations with LOT after we find out what can't be included in the staff report. Our meeting with them should be as soon as we can plan it, possibly the first part of the following week. We also are working on a meeting with TV&R to discuss access issues LOT apparently neglected to address in their planning.

Lamont

From: Stowell5050@aol.com
To: lamontking@comcast.net, djheff1@gmail.com
Cc: noelblake@comcast.net, kevinbryck@comcast.net, patvicsmith@msn.com, shanonmv@comcast.net, ericjones2009@aol.com, ckerr@westlinnoregon.gov, dnewell@alum.mit.edu, ZPELZ@westlinnoregon.gov
Sent: Friday, September 7, 2012 12:19:14 PM
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From: "DJ Heffernan" <djheff1@gmail.com>
To: "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net, "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <kevinbryck@comcast.net>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shanonmv@comcast.net>, "Eric Jones" <ericjones2009@aol.com>, "Chris Kerr" <ckerr@westlinnoregon.gov>
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To: Zach Pelz <ZPELZ@westlinnoregon.gov>
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Sent: Thursday, September 6, 2012 3:03 PM
Subject: Re: Meeting times.....

Thank you!

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Sent: Thursday, September 6, 2012 2:29:56 PM
Subject: RE: Meeting times.....

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I would appreciate if you could forward a list of your questions or meeting topic(s) to me prior to the meeting so that I am better prepared with answers.

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From: lamontking@comcast.net [<mailto:lamontking@comcast.net>]
Sent: Thursday, September 06, 2012 11:41 AM
To: Pelz, Zach; Kerr, Chris
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; Heffernan, DJ; Jones, Eric
Subject: Meeting times.....

Hi Zach,

We are now ready to meet with you and Chris Kerr to discuss the LOT applications and the staff reports you are currently compiling. When would be a good time to meet and discuss our questions? Several people on my committee have indicated they will be out of town next week but I sense there may be a necessity to meet next week to give you a chance to consider our requests and possibly have some of our concerns expressed in the staff report. Please let me know if this is indeed time sensitive and what days would work for you and Chris.

Thanks,

Lamont

Pelz, Zach

From: David Newell [dnewell@alum.mit.edu]
Sent: Friday, September 07, 2012 12:22 PM
To: Stowell5050@aol.com; lamontking@comcast.net; djheff1@gmail.com
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Subject: Re: Meeting times.....

Sure,

If he wants to help get Devlin involved, go for it. :)

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From: lamontking@comcast.net [<mailto:lamontking@comcast.net>]
Sent: Thursday, September 06, 2012 11:41 AM
To: Pelz, Zach; Kerr, Chris
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; Heffernan, DJ; Jones, Eric
Subject: Meeting times.....

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Pelz, Zach

From: Stowell5050@aol.com
Sent: Friday, September 07, 2012 12:19 PM
To: lamontking@comcast.net; djheff1@gmail.com
Cc: noelblake@comcast.net; kevinbryck@comcast.net; patvicsmith@msn.com; shanonmv@comcast.net; ericjones2009@aol.com; Kerr, Chris; Newell, David; Pelz, Zach
Subject: Re: Meeting times.....

Norman edger contacted me to talk about 43. No time has been set yet. any comments.

In a message dated 9/6/2012 9:32:04 P.M. Pacific Daylight Time, lamontking@comcast.net writes:

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From: "DJ Heffernan" <djheff1@gmail.com>
To: "David Newell" <dnewell@alum.mit.edu>, lamontking@comcast.net, "Zach Pelz" <ZPELZ@westlinnoregon.gov>
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--
DJ Heffernan
503.310.2306

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To: lamontking@comcast.net; Pelz, Zach
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I'm in.

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503.310.2306

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Pelz, Zach

From: DJ Heffernan [djheff1@gmail.com]
Sent: Friday, September 07, 2012 9:28 AM
To: Pelz, Zach; lamontking@comcast.net
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris; Newell, David
Subject: Re: Meeting times.....

See you Thursday.

On 9/7/12 8:32 AM, "Pelz, Zach" <ZPELZ@westlinnoregon.gov> wrote:

Lamont,

Let's tentatively schedule this meeting for Thursday, Sept. 13 from 6:30pm to 8pm at City Hall (I've booked the Rosemont Room (2nd Floor of City Hall) but there is court that day, scheduled to 5pm and it is not uncommon for them to run late - we may need to find another room at City Hall). The only issue I need to resolve on my end is confirmation from Chris Kerr.

DJ, to respond to your question of which staff report was scheduled for review by the Planning Director next week, the answer is: the memo responding to revisions to the Water Treatment Plant. Please be aware however, that given our tight timeframe, I'm working hard to have the staff analysis of the pipeline application to the Planning Director by the end of next week or early the following week.

Thanks and have a great weekend,

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To: Pelz, Zach
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; DJ Heffernan; Eric Jones; Kerr, Chris
Subject: Re: Meeting times.....

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To: lamontking@comcast.net
Cc: "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <kevinbryck@comcast.net>, "David Newell" <dnewell@alum.mit.edu>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shanonmv@comcast.net>, "DJ Heffernan" <djheff1@gmail.com>, "Eric Jones" <ericjones2009@aol.com>, "Chris Kerr" <ckerr@westlinnoregon.gov>
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F: (503) 656-4106

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503.310.2306

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From: DJ Heffernan [djheff1@gmail.com]
Sent: Thursday, September 06, 2012 5:18 PM
To: Pelz, Zach; lamontking@comcast.net
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; Eric Jones; Kerr, Chris
Subject: Re: Meeting times.....
Attachments: image.gif; image.gif

The draft staff report on the pipeline or revised report on the WTP?

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503.310.2306

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To: Newell, David; lamontking@comcast.net; Pelz, Zach
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Subject: Re: Meeting times.....

Follow Up Flag: Follow up
Flag Status: Completed

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Subject: Re: Meeting times.....
Attachments: image9c763c.gif@89e69a40.4ead48ad; image001.gif; image001.gif

I am travelling the next two weeks, so good luck and please let me know how it goes.

Eric
-----Original Message-----
From: lamontking <lamontking@comcast.net>
To: Zach Pelz <ZPELZ@westlinnoregon.gov>
Cc: Steve Blake <noelblake@comcast.net>; Stowell Bob <Stowell5050@aol.com>; Kevin Bryck <kevinbryck@comcast.net>; David Newell <dnewell@alum.mit.edu>; Smith Vicki <patvicsmith@msn.com>; Shannon Vroman <shanonmv@comcast.net>; DJ Heffernan <djheff1@gmail.com>; Eric Jones <ericjones2009@aol.com>; Chris Kerr <ckerr@westlinnoregon.gov>
Sent: Thu, Sep 6, 2012 3:03 pm
Subject: Re: Meeting times.....

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Lamont

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Sent: Thursday, September 6, 2012 2:35:39 PM
Subject: RE: Meeting times.....

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Associate Planner
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P: (503) 723-2542
F: (503) 656-4106
Web: westlinnoregon.gov

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

From: lamontking@comcast.net [mailto:lamontking@comcast.net]

Sent: Thursday, September 06, 2012 2:33 PM

To: Pelz, Zach

Cc: Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; DJ Heffernan; Eric Jones; Kerr, Chris

Subject: Re: Meeting times.....

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Sent: Thursday, September 6, 2012 2:29:56 PM

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 **West Linn**
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Sent: Thursday, September 6, 2012 1:19:23 PM
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Sent: Thursday, September 06, 2012 3:04 PM
To: Pelz, Zach
Cc: Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; DJ Heffernan; Eric Jones; Kerr, Chris
Subject: Re: Meeting times.....
Attachments: image9c763c.gif@89e69a40.4ead48ad; image001.gif

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Attachments: image98904a.gif@470ee473.d26d4389; image001.gif

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Lamont

Pelz, Zach

From: lamontking@comcast.net
Sent: Wednesday, August 29, 2012 9:49 PM
To: Wyatt, Kirsten
Cc: djheff1@gmail.com; Kerr, Chris; Norm Eder; Pelz, Zach
Subject: Re: Heffernan-Kerr-King LOTWP Lunch Meeting

I can be there.....

Lamont

From: "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>
To: "djheff1@gmail.com" <djheff1@gmail.com>, "Chris Kerr" <ckerr@westlinnoregon.gov>, "Norm Eder" <norme@cfmpdx.com>, "Zach Pelz" <ZPELZ@westlinnoregon.gov>, "lamontking@comcast.net" <lamontking@comcast.net>
Sent: Tuesday, August 28, 2012 3:17:59 PM
Subject: Heffernan-Kerr-King LOTWP Lunch Meeting

When: Wednesday, September 05, 2012 12:00 PM-1:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: BJ Willy's - Central Village Location

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Hi Zach and DJ and Lamont –

The project manager from the Lake Oswego-Tigard Water Partnership (LOTWP) would like to meet with you to brief DJ on outreach efforts to date. DJ has requested that Lamont attend this meeting as well so he's in the loop from the Neighborhood. Chris Kerr is unable to attend at this time, so has asked Zach to attend in his place. Please advise if you cannot make this lunch time meeting and I can reschedule.

Thanks,

Kirsten

Pelz, Zach

From: Vicky and Pat [patvicsmith@q.com]
Sent: Tuesday, August 28, 2012 7:11 AM
To: Pelz, Zach
Subject: Re: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04
Attachments: imagebdc9c3.gif@d170d345.57894b2f

Zach -

Is there anyway you can make some of these file sizes more manageable. For instance the compiled drawings could be re-bundled in several "parts". An 86MB file is just to huge for many people to open. I have tried over and over and they will not open, and some of the applicants information take several minutes to open.

Please let me know if you can make some of these more accessible. Thanks.

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Shauna Shroyer" <SShroyer@westlinnoregon.gov>, "Peter Spir" <Pspir@westlinnoregon.gov>, "John Sonnen" <JSONNEN@westlinnoregon.gov>, "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "Jane Heisler" <jheisler@ci.oswego.or.us>
Sent: Tuesday, August 21, 2012 2:47:36 PM
Subject: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04

Good afternoon,

The Lake Oswego-Tigard Water Partnership submitted revisions to their Water Treatment Plant application yesterday. The full file can be accessed on the City's website [here](#). The amended Water Treatment Plant application documents begin with the prefix ***8/20/12 Amendment - *** and are near the bottom of the project page.

The introduction to the narrative in Section 4 summarizes the changes and explains how these changes are presented throughout the various application materials.

Please feel free to call or email with questions.

Thanks,

Zach

West Linn CITY OF
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Pelz, Zach

From: GARY [hitesman@q.com]
Sent: Thursday, August 23, 2012 1:02 PM
To: Pelz, Zach; RNA Great Neighbor Committee; Kevin Bryck; Dave Froode
Subject: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04
Attachments: imagebdc9c3.gif@d170d345.57894b2f

I strongly urge the Planning Commission to carefully weigh the LO submission and staff report. If I am correct, the amount of inaccuracies and inappropriate interpretations do not meet the intent of the code or the plan. I encourage every member to seriously consider the submittal made by LO and to treat the information provided with the utmost respect and careful consideration.

Keeping Jane involved in this project is manna from heaven for our interests and an eventual appeal to LUBA. Having Kirsten in the loop cinches a key component to the city's lack of proper planning procedures and processes. The neighborhood associations are out of control and is a major issue in the overall lack of an Oregon State generalized, coordinated planning process.

The best course of action is to elect a new city council and mitigate "the process" until the neighborhoods can fine tune a city council that will actually listen to their concerns and self-interests. Right now, public participation is a charade that undermines the intent and overall welfare of affected residents.

Furthermore, I think if 'one' assesses the technical components of the project relative to ORS 197, the project does not meet code on several fundamental levels. I encourage all of you to stand up for residents, of which you are part of that group, and neighborhoods. In the end, this proposal is local governmental overreach and lack of representation at it's greatest. And sadly, it is the leadership and city administrations efforts and policies that have enabled this type of errant planning-run-amok.

I already have over 24 pages demonstrating the improper planning and violations of code. Given the previous missteps the City of West Linn has made in the past, it can be documented that the City has not learned from their previous mistakes and errors.

Hopefully, the PC and the RNA can work with the applicant on resolving these issues and providing an application that meets the intent of the code while creating safe neighborhoods appropriately scaled to encourage fiscally responsible, sustainable, affordable-housing within the existing urban growth boundary.

Gary

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

From: GARY
To: Pelz, Zach
Cc: Shroyer, Shauna ; Spir, Peter ; Sonnen, John ; Wyatt, Kirsten ; Heisler, Jane ; RNA Great Neighbor Committee
Sent: Thursday, August 23, 2012 10:13 AM
Subject: Re: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04

Is this the "guidance" as mentioned in the intitial sumittal?

The application, and the process both, still appear inconcise and unclear.

Thank you.

Gary Hitesman

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

From: Pelz, Zach
To: Pelz, Zach
Cc: Shroyer, Shauna ; Spir, Peter ; Sonnen, John ; Wyatt, Kirsten ; Heisler, Jane

Sent: Tuesday, August 21, 2012 2:47 PM

Subject: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04

Good afternoon,

The Lake Oswego-Tigard Water Partnership submitted revisions to their Water Treatment Plant application yesterday. The full file can be accessed on the City's website [here](#). The amended Water Treatment Plant application documents begin with the prefix ***8/20/12 Amendment - *** and are near the bottom of the project page.

The introduction to the narrative in Section 4 summarizes the changes and explains how these changes are presented throughout the various application materials.

Please feel free to call or email with questions.

Thanks,

Zach

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

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.

Pelz, Zach

From: GARY [hitesman@q.com]
Sent: Thursday, August 23, 2012 10:13 AM
To: Pelz, Zach
Cc: Shroyer, Shauna; Spir, Peter; Sonnen, John; Wyatt, Kirsten; Heisler, Jane; RNA Great Neighbor Committee
Subject: Re: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04
Attachments: imagebdc9c3.gif@d170d345.57894b2f

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Gary Hitesman

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

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To: Pelz, Zach
Cc: Shroyer, Shauna ; Spir, Peter ; Sonnen, John ; Wyatt, Kirsten ; Heisler, Jane
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Pelz, Zach

From: Pelz, Zach
Sent: Tuesday, August 21, 2012 5:04 PM
To: lamontking@comcast.net
Cc: Blake, Steve; Spir, Peter
Subject: RE: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04
Attachments: image001.gif

Hi Lamont –

I can't speak for the various state requirements applicable to the Lake Oswego-Tigard proposals, but I can tell you that West Linn does not require an alternative analysis for their proposals.

Regarding closure of access to certain homes along Mapleton Drive during pipeline construction, the applicant has submitted a proposal that mitigates this impact by providing parking within 200-feet of these properties. Additionally, emergency access will be maintained at all times. I do believe this is an acceptable solution.

Thanks,

Zach

From: lamontking@comcast.net [mailto:lamontking@comcast.net]
Sent: Tuesday, August 21, 2012 3:46 PM
To: Pelz, Zach
Cc: Blake, Steve
Subject: Re: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04

Hi Zach,

Is there anything in the planning criteria for any of the governing bodies(city/state/local) that would require LOT to provide an alternative site analysis to support their selection of land within our city? Did our planning staff address liveability on Mapleton during construction as part of its requirements. The street is 18' wide in some sections and is no access to housing for 12 hour periods acceptable to the city?

Thanks,

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Shauna Shroyer" <SShroyer@westlinnoregon.gov>, "Peter Spir" <Pspir@westlinnoregon.gov>, "John Sonnen" <JSONNEN@westlinnoregon.gov>, "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "Jane Heisler" <jheisler@ci.oswego.or.us>
Sent: Tuesday, August 21, 2012 2:47:36 PM
Subject: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04

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From: lamontking@comcast.net
Sent: Tuesday, August 21, 2012 3:46 PM
To: Pelz, Zach
Cc: Blake, Steve
Subject: Re: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04
Attachments: imagebdc9c3.gif@d170d345.57894b2f

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Thanks,

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Shauna Shroyer" <SShroyer@westlinnoregon.gov>, "Peter Spir" <Pspir@westlinnoregon.gov>, "John Sonnen" <JSONNEN@westlinnoregon.gov>, "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "Jane Heisler" <jheisler@ci.oswego.or.us>
Sent: Tuesday, August 21, 2012 2:47:36 PM
Subject: Lake Oswego-Tigard Water Partnership amended application CUP-12-02/DR-12-04

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Please feel free to call or email with questions.

Thanks,

Zach

Pelz, Zach

From: Sonnen, John
Sent: Thursday, August 16, 2012 1:36 PM
To: Pelz, Zach
Subject: FW: Permits

John Sonnen, Planning Director
Planning and Building, #1524

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

From: Worcester, Ken
Sent: Thursday, August 16, 2012 9:50 AM
To: 'Norman King'; Sonnen, John
Subject: RE: Permits

Hi Norm

I'm not aware of the applications for DSL or COE permits. Yes the Parks Board has prepared a list of projects for MSY that total about \$90,000. LOT Has agreed and State Parks Staff has agreed. It is now up to the State Parks Commission.

Ken

Ken Worcester, Parks & Recreation Director
Public Works, #1555

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: Norman King [<mailto:normbking@gmail.com>]
Sent: Wednesday, August 15, 2012 1:05 PM
To: Worcester, Ken; Sonnen, John
Subject: Permits

John, Ken: The City of Lake Oswego or LOT has applied to a bunch of places (State Parks, State Lands, Corps of Engineers & COWL) for permits to run a pipeline under MSY and to run an extraction operation on state lasn next to MSY. Has the city of West Linn received notice of the application for any of these and been given an opportunity to comment? Has COWL commented on any of the applications? If so, could you send me copy of the notice and the City's comment?

Also, there have been several stories around that the City of West Linn has compiled a list of improvements to MSY they would like done if the WTP goes in? I assume this was requested by LOT. Has the list been sent to Oregon State Parks to be sent to LOT? Has LOT agreed to the list? More importantly, am I blowing smoke? Does the "list" even exist? Has it been approved by the WL Parks Board?

Is the permit to haul dirt from state lands part of the West Linn application or separate?

Thanks,
Norm

Pelz, Zach

From: GARY [hitesman@q.com]
Sent: Wednesday, August 15, 2012 5:18 PM
To: Pelz, Zach
Cc: RNA Great Neighbor Committee
Subject: CUP 12-04 Lake Oswego/Tigard Water Partnership Proposal
Attachments: image96c27a.gif@872d730a.d9244cd2

Dear Mr. Zach Pelz,

Thank you for the information. Overall, I appreciate the overall quality of the message and information provided. It's good to see satisfactory work from the Planning Staff.

However, the application is still missing critical components related to the code and I would advise the City's careful consideration of CDC 60.070(A)(7).

Please provide the link for public viewing of the application and let me know what "guidance", as stated by the applicant, is supposed to mean?

Regards, Gary Hitesman

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

From: Pelz, Zach
To: Pelz, Zach
Cc: Sonnen, John ; Spir, Peter ; Wyatt, Kirsten
Sent: Wednesday, August 15, 2012 3:42 PM
Subject: Lake Oswego/Tigard Water Partnership update

Good afternoon,

Many of you are aware that in addition to proposing upgrades to their existing water treatment facility at 4260 Kenthorpe Way, the Lake Oswego/Tigard Water Partnership also proposes to install new raw- and finished-water pipelines through West Linn. The Partnership submitted an application for their raw- and finished-water pipelines proposal to the City on July 2, 2012. Yesterday, the City's Planning Department determined that the application contains sufficient information to proceed with its review for consistency with applicable standards in the Community Development Code.

The date on which the City determines an application complete is important because it marks the beginning of a 120-day period in which a local decision must be rendered on the application, including appeals (ORS 227.187). Therefore, the City must issue its final decision on this application no later than Wednesday, December 12, 2012, unless the applicant agrees to extend this deadline.

We are working with our Planning Commission to determine the best date for a public hearing for this project (CUP-12-04) and for a continuation of the Partnership's pending water treatment facility application (CUP-12-02). Notice of this hearing will be sent to property owners within 500-feet of the project at least 20 days prior to the hearing and published in the West Linn Tidings at least 10 days prior to the hearing. Additional information regarding these projects can be obtained from the City's website (see above links). You may forward comments regarding these projects to me anytime for inclusion in the public record. And as always, do not hesitate to call or email with questions.

Thanks,

Pelz, Zach

From: Pelz, Zach
Sent: Wednesday, August 15, 2012 3:56 PM
To: Walters, Rebecca
Subject: RE: Lake Oswego/Tigard Water Partnership update
Attachments: image001.gif

I appreciate that as I'm sure I do not have all of their email addresses.

Thanks again!

Zach

From: Walters, Rebecca [mailto:Rebecca.Walters@adp.com]
Sent: Wednesday, August 15, 2012 3:55 PM
To: Pelz, Zach
Subject: RE: Lake Oswego/Tigard Water Partnership update

Thank-you Mr. Pelz for your notification. I will send this to our neighbors in case you did not have all of their emails!

Have a good day,
Rebecca

From: Pelz, Zach [mailto:ZPELZ@westlinnoregon.gov]
Sent: Wednesday, August 15, 2012 3:42 PM
To: Pelz, Zach
Cc: Sonnen, John; Spir, Peter; Wyatt, Kirsten
Subject: Lake Oswego/Tigard Water Partnership update

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Thanks,

Zach

Pelz, Zach

From: Pelz, Zach
Sent: Wednesday, August 15, 2012 3:06 PM
To: Kerr, Chris
Subject: FW: August 14, 2012 Robinwood Neighborhood Association Resolutions
Attachments: RNA Resolutions 81412.pdf

From: RNA Great Neighbor Committee [mailto:rnagnc@gmail.com]
Sent: Wednesday, August 15, 2012 9:58 AM
To: Jones Eric; Smith Vicki; King Lamont; Blake Steve; Newell, David; Mutschler Mark; Stowell Bob; Vroman Shanon; President RNA; Rose Sarah
Cc: gregmckenzie@att.net; norme@cfmpdx.com; Jane Heisler; Wyatt, Kirsten; Jordan, Chris; Pelz, Zach; Sonnen, John; Heffernan DJ
Subject: August 14, 2012 Robinwood Neighborhood Association Resolutions

At the August 14, 2012 Robinwood Neighborhood Association meeting, the body adopted the following resolutions:

1. Resolved:

A. That the mediation process with the LOTWP should respect the existing community institutions and be conducted via the Robinwood Neighborhood Association and the Great Neighbor Committee, as authorized.

B. That the current roster for the GNC is:

Tony Bracco, RNA President
David Newell, RNA VP
Steve Blake, Chair
Lamont King, Vice Chair
Bob Stowell, Secretary
Eric Jones
Mark Mutschler, Alternate
Vicki Smith
Shanon Vroman

C. That the mediation process with the LOTWP should concentrate efforts on securing the items outlined in the Mitigation Plan adopted 12/31.

2. Resolved: That 2 items shall be added to the Mitigation Plan, relating to the Mapleton Drive ROW, due to the current proposal to trench the RWP to the WTP .
These items were removed from the Mitigation Plan for lack of proximity when HDD directly to the WTP was proposed.

Residential Street Mitigations - Design and Improvement

Improve the hairpin intersection at Mapleton and Nixon
--

Additional street lighting in the ravine/ S-curve area of Mapleton

RNA Great Neighbor Committee

RNAGNC@gmail.com

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

Pelz, Zach

From: Sarah Rose [SarahRoseRealtor@comcast.net]
Sent: Wednesday, August 15, 2012 10:22 AM
To: 'RNA Great Neighbor Committee'; 'Jones Eric'; 'Smith Vicki'; 'King Lamont'; 'Blake Steve'; Newell, David; 'Mutschler Mark'; 'Stowell Bob'; 'Vroman Shanon'; President RNA
Cc: gregmckenzie@att.net; norme@cfmpdx.com; 'Jane Heisler'; Wyatt, Kirsten; Jordan, Chris; Pelz, Zach; Sonnen, John; 'Heffernan DJ'
Subject: RE: August 14, 2012 Robinwood Neighborhood Association Resolutions
Attachments: image003.jpg; image004.jpg

Good morning!

Thank you for including me in your discussions. As the new secretary for the Robinwood Neighborhood Association I will be recording the RNA meetings (with an electronic recorder) and then putting together a copy of the important notes for all to read...and also to distribute to those who require them. This will be in the form of an e-mail so that everyone will be able to access them...if that is ok.

I look forward to being able to include the RNA Great Neighborhood Association (RNA-GNA) information in my notes.

Thank you,
Sara Rose

"Love Where You Live!"

Sarah Rose



Oregon Real Estate Broker 

(cell) 503.476.6349

(office) 503.557.0707

(e-fax) 971.230.7168

Windermere/Cronin & Caplan Realty Group, Inc.

21900 Willamette Dr. Suite 202

West Linn, OR 97068

E-mail: SarahRoseRealtor@comcast.net

Website: <http://sarahrose.mywindermere.com/>

From: RNA Great Neighbor Committee [mailto:rnagnc@gmail.com]

Sent: Wednesday, August 15, 2012 9:58 AM

To: Jones Eric; Smith Vicki; King Lamont; Blake Steve; Newell David; Mutschler Mark; Stowell Bob; Vroman Shanon; Bracco Tony; Rose Sarah

Cc: gregmckenzie@att.net; norme@cfmpdx.com; Jane Heisler; Wyatt Kirsten; Jordan Chris; Pelz Zach; Sonnen John; Heffernan DJ

Subject: August 14, 2012 Robinwood Neighborhood Association Resolutions

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Residential Street Mitigations - Design and Improvement

Improve the hairpin intersection at Mapleton and Nixon

Additional street lighting in the ravine/ S-curve area of Mapleton

Pelz, Zach

From: RNA Great Neighbor Committee [rnagnc@gmail.com]
Sent: Wednesday, August 15, 2012 9:58 AM
To: Jones Eric; Smith Vicki; King Lamont; Blake Steve; Newell, David; Mutschler Mark; Stowell Bob; Vroman Shanon; President RNA; Rose Sarah
Cc: gregmckenzie@att.net; norme@cfmpdx.com; Jane Heisler; Wyatt, Kirsten; Jordan, Chris; Pelz, Zach; Sonnen, John; Heffernan DJ
Subject: August 14, 2012 Robinwood Neighborhood Association Resolutions
Attachments: RNA Resolutions 81412.pdf

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RNA Great Neighbor Committee

RNAGNC@gmail.com

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

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Saturday, August 11, 2012 11:13 AM
To: Pelz, Zach; Sonnen, John
Subject: CUP 12-04 Public Participation/Goal One appeal
Attachments: V_From Mapleton Driveway.jpg; NewConstruction_on_leftside - Copy.pdf; V_one_Spectacular_path.pdf

Because the WTP does not meet with the West Linn Comprehensive Plan, the project does not meet with the best interests of the City. And the process invented by the West Linn City Manager has no precedent or basis of fact. Indeed, his deference to Lake Oswego and use of existing consultants to mediate this suspended application does not meet with Goal One; yet another violation of the West Linn Comprehensive Plan and a violation to coordinated planning under ORS 197. Unless mediation is more inclusive, Goal One public participation will not be met, leading to a possible appeal to LUBA if this is not properly addressed. Wider city participation from those in the city who are impacted by Hwy 43 construction and those that have standing need an equal voice in the planning process. I, as well as others, request a seat at the table.

Please tell me why this accommodation cannot be made.

So let's get reacquainted all over again;

<http://www.youtube.com/watch?v=MZZ-NitgecY>

----- Forwarded message -----

From: Gary Hitesman <ghitesman@gmail.com>
Date: Sat, Aug 11, 2012 at 10:42 AM
Subject: I was wrong
To:

The dynamic appears to have changed and I think the GNC, or those of you who are fighting for your property and lifestyles, need additional support. Metaphorically speaking. I have always held back my punches in deference to what I believe is the common good. However, this appears to be one of the largest projects that will ever affect the RNA. So . . . I think holding back punches defeats the good of the community. I'd like to have a group or individual meeting with you. What I propose to do is take a snapshot of the plant from affected residents on Kenthorpe and Mapleton so that you can bring them to your meeting with Greg.

We can mark them up together and give them to Greg with a picture of the current view from your respective properties.

This will accomplish several things.

- Puts your concerns in writing. Something in writing is always good especially with drawings. Documentation is a powerful tool.
- Not everyone who is invited to meet with Greg will have their concerns documented. This will create a disparity and prejudice the mediation process; unless all affected neighbors are invited, including those that are for it.
- It shows the City Manager you have better tools than he does.
- It will give you another tool to effectively communicate with Greg and diminishes his opportunity to speculate or interpret.

- It helps individuals assess how to best mitigate the damage the Plant creates.

I could meet with you guys as early as today. I would send you a photo that I take from the selected vantage point and provide a crude perspective of what the view will be if the plan does not change. (See my examples.)

It is also preferable that I have a neighborhood representative. or two, accompany me. I could probably canvas the affected homes in less than 90 minutes.

What do you think?

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Friday, August 10, 2012 12:54 PM
To: Pelz, Zach
Subject: Fwd: LOTWP Joint Meeting 8.16.12 Response to Applicant's submittal CUP 12-0?

I'd like to offer three comments, two related and one side-related;

Related: Goal One and planning regulations appear to support "Oregon citizen public participation" with no restrictions on how to accomplish the goal. That is left up to the City. Given this is a new sort of process that the City is setting up on the fly, I do not see the justification for limiting those Oregon citizens from participating. Look at the opposite. When the City wants to do something "half" as big, they pull together a task force of 18 to 24 people. That being the typical case, the CM has no authority or precedent to narrow the public participation process. **The number of people participating with Greg cannot be kept so small.**

Related: All a LUBA appeal takes is \$400, lots of time, and research. I have been able to secure that \$ amount, spent some time doing research, and will go to LUBA all on my own, when it comes to that. I am already good to go, but issues like this are icing on the cake. I want to see why the WTP is such a great thing! **So far, it's nothing but a pile of crap, LO hubris, and politics.** It is up to WL to convince me that this is a good thing for West Linn. I am absolutely, 100% confident, that no one can provide the findings of fact that this WTF, at the industrial scale size LO proposes, meets code and the intent of Oregon Land Use.

Side-Related: I just completed a local review of Measure 37 claims with Clackamas County that are materializing on the edges of our city. One will be the site of NEXT years Street of Dreams, or so it is rumored, and is right next to the Mayors backyard. Also based on rumor, I heard that the City has already been approached and asked to supply water to the 12 home development. Needless to say, this type of development goes against the Comprehensive Plan and everything the City has been telling us about growth. **I think it is time for the CM to go!!!! Along with this entire council. Neither are good public stewards and in my experience, not to be trusted.**

Pelz, Zach

From: lamontking@comcast.net
Sent: Friday, August 10, 2012 11:27 AM
To: Pelz, Zach
Subject: Re: Planning Questions..
Attachments: image864240.gif@d640636a.5c30463d

Hi Zach,

We had a GNC meeting this last Tuesday regarding our concerns with the WTP and the pipeline, which was attended by DJ. I am still collecting information from our committee members which I will put in "talking points" for you and Chris Kerr to address when you meet with us. I will send you the list prior to the meeting and our goal is going to be to discuss these concerns with you in collaborative fashion. We have another meeting next week where I will address the list and perhaps in the next two weeks we can get together.

Thanks for the follow-up!

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: lamontking@comcast.net
Cc: "Steve Blake" <noelblake@comcast.net>
Sent: Friday, August 10, 2012 9:53:58 AM
Subject: RE: Planning Questions..

Good morning, Lamont -

Just checking in to see if you've had a chance to talk to the GNC about a meeting. FYI, next week is fairly open for me. Let me know.

Thanks, and have a great weekend,

Zach

 Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
P: (503) 723-2542
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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: lamontking@comcast.net [mailto:lamontking@comcast.net]
Sent: Friday, July 27, 2012 1:48 PM
To: Pelz, Zach
Cc: Blake, Steve
Subject: Planning Questions..

Hi Zach,

I am still working with the GNC to come up with our talking points to go over with you and Chris Kerr regarding the staff report for the WTP. Hopefully we will have something in the next week to ten days. Can you share with me what you thought was the reason LOT suspended the application? The questioning by the Planning Commission suggested problems with their application and we are trying to get info on the possible perceived issues. We originally thought they were going to combine the two apps but now it seems they are going to run them through parallel. Do you know how the Planning Commission is going to proceed with that as far as testimony?

Thanks for your assistance!

Lamont

Pelz, Zach

From: Pelz, Zach
Sent: Friday, August 10, 2012 9:54 AM
To: lamontking@comcast.net
Cc: Blake, Steve
Subject: RE: Planning Questions..

Good morning, Lamont -

Just checking in to see if you've had a chance to talk to the GNC about a meeting. FYI, next week is fairly open for me. Let me know.

Thanks, and have a great weekend,

Zach

From: lamontking@comcast.net [mailto:lamontking@comcast.net]
Sent: Friday, July 27, 2012 1:48 PM
To: Pelz, Zach
Cc: Blake, Steve
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Thanks for your assistance!

Lamont

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Thursday, August 09, 2012 11:41 AM
To: Dave Froode; Kevin Bryck; Pelz, Zach
Subject: CUP 12_0? LOTWP proposal

SOLUTION: Have the CIC select members from the community who might best represent the neighborhood and GNC in these discussions. And the discussions shall be nonbinding.

I recommend you guys follow the Oregon State Goal One objectives and request that the design arbitration meetings be inclusive and involve public viewership, like on cable access.

Remove all the elements of politics.

This project does not meet Oregon Statutes and our own Comprehensive Plan. PERIOD. It could. . . but currently does not. And ask yourself who is doing the WL Police Station? Yes, a mediator needs to be neutral and Mackenzie Group has a contract with the city, as well as an excellent reputation as a top notch architecture firm. BUT. . . Business today requires devotion and commitment to the client. Their clients are municipalities whereas mine are powerless communities who solely depend upon the WL PC and LUBA for sustainable, coordinated planning.

Mr. Bryck asks good questions that go unanswered. I am wondering how LUBA will respond to the City policy of "just ignoring people they disagree with" ?

Where the heck is Sonnen in all this? And why is The City Manager driving this thing? That in itself is highly unusual. Certainly, Public Disclosure Requests will be needed after the project is approved by the City Council.

The site needs to move or be scaled back to fit the conditional use requirements. This project is a Conditional Use and an Industrial Complex that is only allowed to exist because of a weak code and sloppy, unprofessional, and reckless enforcement that, sadly, invites increased liabilities and risks along with a poor perception of the City of West Linn.

It's divide and conquer, along with sequestration now.

My advice is to keep it up with the Mitigation Plan and question the byzantine process. This process is unclear. How is the WTP coordinated with the Comprehensive Plan? What is the process the City is following? Where is the Citizen Involvement Committee and why do we have neighbors attacking neighbors?

Pelz, Zach

From: Pelz, Zach
Sent: Monday, August 06, 2012 10:28 AM
To: Kevin Bryck
Subject: RE: Pipeline App hard copies

Good morning, Kevin –

We have a hard copy of the application on file for public review at the Planning Department office and a .pdf version online right now. As is our practice, we will provide a hard copy of the staff report to the RNA at least 10 days prior to the public hearing, which has yet to be scheduled. Please let me know if this does not answer your question.

Thanks,

Zach

From: Kevin Bryck [mailto:kevinbryck@comcast.net]
Sent: Monday, August 06, 2012 9:40 AM
To: Pelz, Zach
Subject: Pipeline App hard copies

What is the disposition of the RNA's Pipeline App hard copies?
Not until after deemed complete?

Kevin Bryck
RNA Planning Designee
kevinbryck@comcast.net

Pelz, Zach

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To: Pelz, Zach
Subject: Pipeline App hard copies

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Kevin Bryck
RNA Planning Designee
kevinbryck@comcast.net



CITY OF West Linn

July 30, 2012

Eric Day
Senior Planner, City of Lake Oswego
4101 Kruse Way
Lake Oswego, OR 97035

Mr. Eric Day:

Thank you for submitting an application for Conditional Use, Class II Design Review, Class II Parks Design Review, Flood Management Area (FMA), Water Resource Area (WRA) and Willamette River Greenway (WRG) approval for your proposal to construct raw- and finished-water pipelines beneath Mary S. Young State Park, on State Park-owned land north of Mary S. Young Park, within the Mapleton Drive right-of-way and within the State Highway 43 right-of-way. Conditional Use, Design Review, Parks Design Review, FMA, WRA and WRG approval requests are reviewed for consistency with applicable submittal standards in the West Linn Community Development Code (CDC) to ensure the application contains the information necessary to make a well-informed decision.

In addition to the submittal requirements listed in the various CDC sections applicable to your proposal, CDC Section 99.035(A) authorizes the Planning Director to request additional information necessary to properly evaluate your proposal. Similarly, the Planning Director may waive a specific requirement for information where this information is not necessary to evaluate the application (99.035(B)(1)). The Planning Director will consider a request for a waiver of certain information only after such a request is made by the applicant.

Incompleteness items. Staff has reviewed your submittal and finds the application **Incomplete** per the applicable CDC requirements listed below. You have 180 days from the date of your application submittal (the application was submitted on July 2, 2012), until December 29, 2012, to make this application complete. **The following information is required to deem your application complete:**

- CDC Sections 28.120(B)(4), 55.070(D)(2)(b), 55.120(F)(1, 2), 56.080(A)(2), 56.120(D), and 60.080(B)(4) require the illustration of easements, both on-site and on adjacent properties, on the 1:30 scale site plan. Please submit a revised site plan which illustrates existing and proposed easements along the length of the project.

Additionally, CDC Section 28.120(B)(6) requires that development define and map existing public access on and adjacent to the subject property. You have shown this information within the OPRD owned-parcels, but nowhere else along the pipe alignment. We believe that the inclusion of easements (indicating easement type) on your site plan, in addition to the public rights-of-way already shown will satisfy this criterion.

- CDC Section 55.100(M) requires that developers make necessary arrangements with utility companies or other persons affected for the installation of underground lines and facilities. Your

response to this criterion states that, “the RWP and FWP will require utility electrical power for corrosion-protection systems, and all related electrical lines will be placed underground.” We believe more information is necessary for us to determine that necessary arrangements with other utility providers, such as Portland General Electric, Northwest Natural Gas, Verizon, Comcast and other utility providers in the area have been made.

Similarly, we believe more discussion about the replacement and/or relocation of individual utility services should be included in your response to this criterion. On a revised site plan, please call out the specific utilities which are proposed to be relocated and/or replaced and illustrate the location and alignment of all relocated and/or replaced utilities.

- CDC Section 28.120(B)(9) requires that the location of both the ordinary high water line (OHW) and ordinary low-water (OLW) lines be shown on the property and on abutting properties. Your plans illustrate the location of the OHW but do not show the OLW. Illustration of the OLW line is required to satisfy this submittal criterion.

Waiver Request. As requested in your submittal and under the authority granted in CDC Section 99.035 (B)(1), the Planning Director hereby waives the following submittal requirements:

- **Various site plan requirements: 28.120(B)(2), (55.070(D)(2)(a, b)), 55.110(B)(1), 55.120(B), 56.080(A)(2), 60.080(B)(2).** The CDC requires that the site plan show the location and setback distances of buildings, utility facilities and other features at a maximum scale of 1:30. We agree that given the length of the proposed project, it is difficult to show these features at the 1:30 scale. The Planning Director has determined that sufficient information, including the 1:100 scale map series in Figures 29-32, in Section 4 of your submittal, has been provided for us to evaluate your proposal relative to the approval standards regarding the location, dimensions and setback distances of existing structures, improvements and utility facilities on adjoining properties.

These standards also require that the site plan show parcel dimensions and gross area. Your inclusion of parcel dimensions for the Oregon Parks and Recreation Department (OPRD)-owned parcels north of Mary S. Young Park and the scaled site plan provides sufficient information (without adding additional clutter to the site plan) regarding parcel dimensions along the entire raw- and finished-water pipeline alignment to respond to the relevant approval criteria

Finally, various CDC sections (55.070(D)(2), 56.080(A)(1), 55.110(B)(6)(c, d)) require the illustration of landslide and high erosion areas on the site plan. Although this information is not illustrated on a standard 1:30 site plan, your submittal includes this information in Section 8: Seismic and Geologic Hazards. Additionally, the Director believes the detail provided with regard to landslide and high erosion potential in Section 8 of your application exceeds the requirements established in these CDC sections and therefore waives the requirement to document these on the 1:30 site plan.

Non-applicable/exempt CDC provisions. Your waiver request included some items that are not applicable to this review. The criteria and the rationale as to their non-applicability are outlined below:

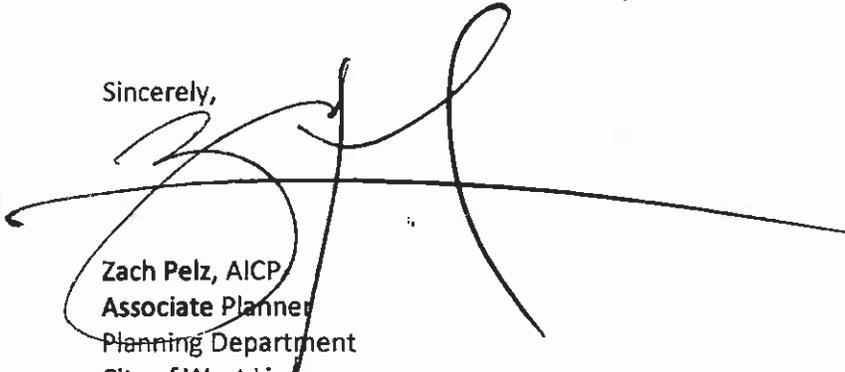
- **Planting strips for modified and new streets (54.030).** This section requires developers to include allowances for planting strips in the public right-of-way, where feasible, for any proposed street improvements. Your proposal to resurface Mapleton Drive following project construction, without any capacity or safety improvements for pedestrians, bicyclists and vehicles, is considered roadway

restoration and is therefore not subject to the requirement to include planter strips as outlined in this section.

- **Chapter 54: Landscaping.** Chapter 54 is intended to provide an attractive balance between the natural environment and built areas, to reduce stormwater runoff, provide shade, to screen and buffer various land uses and to complement views in the City. Because the raw- and finished-water pipelines, as proposed in your application, will exist entirely below ground, with no surface manifestation except for occasional manhole covers in the public rights-of-way, the standards in Chapter 54 do not apply. As stated in the response to 54.030 above, this Chapter does include provisions for the installation of planter strips where a development results in street improvements, however, this project does not trigger this requirement as no street improvements are proposed.
- **Chapter 33: Stormwater Quality and Detention.** As you correctly identified in your submittal, these standards apply only to development proposals that create more than 500 square feet of new impervious surface. Because your proposal does not result in the creation of any new impervious surface area, these standards are not applicable to your proposal.

Please do not hesitate to call or email with questions.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Zach Pelz', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Zach Pelz, AICP
Associate Planner
Planning Department
City of West Linn
zpelz@westlinnoregon.gov
(503) 723-2542

Pelz, Zach

From: Pelz, Zach
Sent: Friday, July 27, 2012 3:16 PM
To: Griffith, Lorie
Cc: Wyatt, Kirsten
Subject: RE: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Hi Lorie,

I'm sorry it's taken so long to get back to you. You may be surprised to know that I've been drafting an email to you for the past two days trying to fully respond to your question. The trouble I'm having with my response is that I am aware that certain members of the Robinwood Neighborhood Association do not believe that code required approval criteria (municipal and zoning ordinance requirements for development) are an acceptable level of impact mitigation. Would you mind giving me a little more understanding of what you mean when you say mitigation, or what is being mitigated?

Thanks,

Zach

From: tomlorie@comcast.net [mailto:tomlorie@comcast.net]
Sent: Wednesday, July 25, 2012 12:37 PM
To: Pelz, Zach
Subject: Re: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Zach,

I have been out of the loop since March with the RNA and this so called "Great Neighbor Plan" subcommittee.

Two years ago Norm King and I asked about upgrading the road bed on Kenthorpe Way from residential to industrial. That request is still active with the neighbors on Kenthorpe Way.

Is that item visited by the COWL and LOT as an active issue?

As you know, the folks behind the subcommittee and the lawsuit and the WESTLINNFIRST signs do not represent all of the RNA.

I am hoping that you can shed some insight as to what is being "mitigated"

Thank you for the update and please include this item if it is not already included.

Cheers,

Lorie

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From: Zach Pelz <ZPELZ@westlinnoregon.gov>
To: Zach Pelz <ZPELZ@westlinnoregon.gov>
Cc: Peter Spir <Pspir@westlinnoregon.gov>, Kirsten Wyatt <kwyatt@westlinnoregon.gov>, Jane

Heisler <jheisler@ci.oswego.or.us>

Sent: Mon, 23 Jul 2012 16:47:29 -0000 (UTC)

Subject: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Good morning,

As a reminder, the second Robinwood Neighborhood Association Conversation on the Lake Oswego/Tigard Water Partnership will take place at West Linn Lutheran Church (20390 Willamette Drive, West Linn) from 6-8

pm on Wednesday, July 25th. Greg McKenzie will update attendees on his progress with various stakeholder groups and will address some of the issues/concerns raised by residents at the June 27 meeting. Please feel free to call or email with questions.

Thank you,

Zach

Pelz, Zach

From: Pelz, Zach
Sent: Friday, July 27, 2012 2:25 PM
To: lamontking@comcast.net
Cc: Blake, Steve
Subject: RE: Planning Questions..

Hi Lamont,

Thanks for the heads-up, my schedule for the next 10 working days is fairly wide open.

Lake Oswego/Tigard stated their objective for suspending the WTP application in a May 16, 2012 letter from the applicant's legal counsel to Planning Commission Chair Michael Babbitt, [here](#). Essentially the applicant wanted to address concerns they heard from the Planning Commission before moving forward.

You are correct that there will be two separate land use applications that will be heard concurrently. There will be separate decisions, with separate conditions, if recommended for approval, for each of the applications. I believe the public testimony will be open for both decisions in one public testimony period. It's likely that many of the comments will relate to both the pipeline and treatment plant applications and therefore we can make sure that these comments are included in the official record for each project. It will be staff's job to sort comments that relate to only one of the projects into the appropriate record.

I hope that answers your questions, I know it's an odd situation but I think it won't be too noticeably different at the public hearings.

Thanks,

Zach

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Thanks for your assistance!

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Thanks for your assistance!

Lamont

Pelz, Zach

From: tomlorie@comcast.net
Sent: Thursday, July 26, 2012 12:38 PM
To: Pelz, Zach; Wyatt, Kirsten
Subject: RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Zach,

I was curious to know what mitigation has been asked for and if road improvements were part of that. Why not ask for a better grade than the poor condition Kenthorpe Way is in now? The reason it is in such poor condition is because of the truck traffic! Really! Dump trucks just this morning.

It is frustrating to think that after all the noise, dust and traffic this huge project will be, our poor little country road will be as it was before. Below grade, falling apart and no curb for water management into Trillium Creek. I wonder if Oly Olsen has spoken to you about the conditions of the road and how almost all of it drains in front of his house, into the creek. I know that that area is a protected riparian area and is a fish barring creek as designated by Metro. I will ask him about it today. He has a lot of information and resource materials.

Does this get into the area of franchise fees and those funds used by our city to upgrade our roadway?

Did you attend the meeting last night? How'd it go?

Thanks for any additional info you have.

Sincerely,

Lorie

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

From: Zach Pelz <ZPELZ@westlinnoregon.gov>
To: Lorie Griffith <tomlorie@comcast.net>
Cc: Khoi Le <kle@westlinnoregon.gov>
Sent: Thu, 26 Jul 2012 16:16:59 -0000 (UTC)
Subject: RE: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Hi Lorie,

LO/T's obligation for improvements on Kenthorpe Way, as their proposal currently stands, is to make half-street improvements (overlay, curb, drainage swale,

sidewalk) along their Kenthorpe Way frontage only, as well as repair any damage caused by truck traffic using Kenthorpe Way during project construction.

We have discussed the possibility of additional improvements on Kenthorpe Way, but believe the above-mentioned improvements reflect the appropriate "nexus

and proportionality" required by the City to request development improvements. The City is able to require half-street improvements along the project frontage due to the sub-standard street conditions that exist in this area and because the developer is making

substantial improvements to the site. Because the proposal will not result in any significant increase in vehicle trips on Kenthorpe Way (approximately 5 additional trips per day), we cannot require significant improvements, such as a new overlay or road

bed reconstruction, for the length of Kenthorpe – despite the poor condition of the roadway today.

We do have the authority to require that the developer restore the roadway to the condition that existed prior to construction activity. And, to ensure this

takes place, we have photographed the existing condition of the roadway and will inspect for damage following construction.

Another related item is Lake Oswego's existing Finished Water Pipe in Kenthorpe Way. As proposed, this line will become obsolete with the installation of

the 48" Finished Water Pipe in Mapleton Drive. If Lake Oswego decides to remove the Kenthorpe pipe, it will require cutting and trenching in Kenthorpe Way. In this situation, we could require road bed reconstruction for the trenched portion of Kenthorpe

Way only and require restoration to pre-construction conditions for the remainder of the pavement width.

I hope this does not overly complicate the issue, but I wanted to make you aware of the City's ability to request improvements and the various factors that

will ultimately decide the extent of improvements on Kenthorpe Way.

Please feel free to call or email with any follow-up questions,

Zach

<span&NBSP;&NBSP;STYLE="FONT-FAMILY: MS;? Sans Comic>From: tomlorie@comcast.net
[mailto:tomlorie@comcast.net]

Sent: Wednesday, July 25, 2012 12:37 PM

To: Pelz, Zach

Subject: Re: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

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Cc: Peter Spir <Pspir@westlinnoregon.gov>, Kirsten Wyatt <kwyatt@westlinnoregon.gov>, Jane Heisler <jheisler@ci.oswego.or.us>

Sent: Mon, 23 Jul 2012 16:47:29 -0000 (UTC)

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Follow Up Flag: Follow up
Flag Status: Completed

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Pelz, Zach

From: chuck landskronercrm [chucklandskronercrm@hotmail.com]
Sent: Monday, July 23, 2012 10:17 AM
To: Pelz, Zach
Subject: Re: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project
Attachments: imageb0dbbe.gif@d66dcd08.8deb480b

Thanks Zach for the reminder, I shall plan on attending.

From: Pelz, Zach
Sent: Monday, July 23, 2012 9:47 AM
To: Pelz, Zach
Cc: Spir, Peter ; Wyatt, Kirsten ; Jane Heisler
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ZPELZ@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
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P: (503) 723-2542
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Pelz, Zach

From: Pelz, Zach
Sent: Monday, July 23, 2012 9:47 AM
To: Pelz, Zach
Cc: Spir, Peter; Wyatt, Kirsten; Jane Heisler
Subject: Save the date: July 25, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Good morning,

As a reminder, the second Robinwood Neighborhood Association Conversation on the Lake Oswego/Tigard Water Partnership will take place at West Linn Lutheran Church (20390 Willamette Drive, West Linn) from 6-8 pm on Wednesday, July 25th. Greg McKenzie will update attendees on his progress with various stakeholder groups and will address some of the issues/concerns raised by residents at the June 27 meeting. Please feel free to call or email with questions.

Thank you,

Zach

Zach Pelz, Associate Planner
Planning and Building, #1542

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Pelz, Zach

From: Pelz, Zach
Sent: Friday, July 20, 2012 8:25 AM
To: lamontking@comcast.net
Subject: RE: Meeting to discuss LOT
Attachments: image001.gif

Good morning, Lamont –

I wanted to follow-up to see if you've heard back from the GNC about a date that we can meet to discuss the LOTWP proposals? Please let me know.

Thanks,

Zach

From: lamontking@comcast.net [mailto:lamontking@comcast.net]
Sent: Thursday, July 12, 2012 1:41 PM
To: Pelz, Zach
Subject: Re: Meeting to discuss LOT

Thanks for the prompt reply! I have forwarded your email to the GNC and we will be in touch with you on a date.

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: lamontking@comcast.net
Cc: "Jody Carson" <jcarson@westlinnoregon.gov>, "Teri Cummings" <tcummings@westlinnoregon.gov>, "Michael Jones" <mjones@westlinnoregon.gov>, "John Kovash" <jkovash@westlinnoregon.gov>, "Jennifer Tan" <jtan@westlinnoregon.gov>, "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <RNAGNC@gmail.com>, "Gary Hitesman" <ghitesman@gmail.com>, "David Newell" <dnewell@alum.mit.edu>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shanonmv@comcast.net>, DJheff1@gmail.com, "Chris Jordan" <cjordan@westlinnoregon.gov>, "John Sonnen" <JSONNEN@westlinnoregon.gov>, "Chris Kerr" <ckerr@westlinnoregon.gov>, "Peter Spir" <Pspir@westlinnoregon.gov>
Sent: Thursday, July 12, 2012 1:27:08 PM
Subject: RE: Meeting to discuss LOT

Mr. King,

I am available to meet:

- Monday, July 16
- Tuesday, July 17 (afternoon)
- Wednesday, July 18 (afternoon)
- Thursday, July 19 (afternoon)
- Tuesday, July 24 (after 11am)

- Wednesday, July 25

Please let me know which of these times work for you and your group and approximately how much time you expect this meeting to last. Also, It would be helpful for me if you would synthesize your questions/concerns into a comprehensive list so that I can complete any research necessary to respond to your questions.

Thank you,

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From: lamontking@comcast.net [mailto:lamontking@comcast.net]

Sent: Thursday, July 12, 2012 12:13 PM

To: Pelz, Zach

Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Gary Hitesman; Newell, David; Smith Vicki; Shannon Vroman; DJheff1@gmail.com; Jordan, Chris; Sonnen, John; Kerr, Chris; Spir, Peter

Subject: Re: Meeting to discuss LOT

Hi Zach,

I am not "upset" about being excluded, I am more disappointed that you and Chris failed to listen to my comments last Monday at the council meeting regarding my attempt to better define DJ's role in order to provide the council with a scope of services and cost estimate. This, of course, is from the perspective of the RNA and not necessarily the city staff.

I am looking forward to speaking with Chris in the near future to perhaps reset our relationship and try to find a way that we can actually work on this very divisive issue together. The city council has stated that citizen involvement and our neighborhood associations play an important role in the development of our city and all we have been asking for is that in time of need, our input is valued and we are given the opportunity to express our concerns to our staff and elected leaders. I would appreciate a meeting in the near future between you and members of our committee to begin the process by allowing our citizens to get your perspective on this project and answer questions regarding the perceived shortcomings of the staff report on the water plant.

Have a good day!

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To: lamontking@comcast.net
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Sent: Thursday, July 12, 2012 10:30:36 AM
Subject: RE: Meeting to discuss LOT

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From: lamontking@comcast.net [mailto:lamontking@comcast.net]

Sent: Thursday, July 12, 2012 9:07 AM

To: Pelz, Zach

Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck;

Gary Hitesman; Newell, David; Smith Vicki; Shannon Vroman
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Best Regards,

Lamont King

Pelz, Zach

From: Jenne Henderson [hendersonjj@comcast.net]
Sent: Wednesday, July 18, 2012 12:34 PM
To: Pelz, Zach
Subject: Timeline question

Mr. Pelz,

I am sorry to bother you with a small question. I wanted to know the timeline/process after a conditional use permit has been filed. I looked in the CDC and couldn't find it.

Thank you,
Jenne Henderson

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Sunday, July 15, 2012 1:08 PM
To: Pelz, Zach; RNA Great Neighbor Committee
Subject: CUP 12-04 Conditional Approval Suggestion

Dear West Linn Planning Commission,

Citizen participation, the Plan, and this code have not been adequately addressed by the LOT partnership and the commission has not been provided with sufficient proof that rough proportionality, nexus, and city staff impartiality have been met.

Condition of Approval #1

The approval of the the pipeline and WTP is contingent upon the full consensus of affected Kenthorpe and Mapleton property owners and the completion of necessary comprehensive plan amendments as enacted per this code and ORS 197.

To West Linn,

The mitigations for Robinwood need to take a more concrete form and need to expand from the earlier mitigation list.

I followed the tram from it's inception, starting when I worked with Greg Baldwin, a well known Portland architect and planner, who worked with OHSU and city planners on developing the South Waterfront. He co-sponsored a series of architectural lectures comprised of the tramway design competitors. I also worked with CH2M Hill, briefly, on the competition for the pedestrian bridge, which they ended up winning. I have studied what it took to get that project built. It all started when the Pacific Railway bought the land where OHSU now sits today. The railway bought the site unseen and was not told about the typography! Advance 100 years, and OHSU had run out of land and South Waterfront needed an economic rationale to get started. The tramway became a necessary and overall benefit for the community, at large. The Pedestrian Bridge became the "benefit".

How does this relate to the WTF?

There has never been any "meaningful" design that has taken place in Robinwood. The "give and take" of coming up with a livable compromise and Goal One citizen participation have never been utilized. Using the Tramway as an example to defeat the WTF may not be the best option. If anything, the City of West Linn is NOW doing what Portland had to do to get the tramway built and shortchanging the time necessary to reach a uniform consensus.(The tramway eventually got built by sort-of-lying-about-it and even that took 30 years and an evolution of citywide governance.) But the one big difference was that Lair home owners had a better economy in which to sell and get out, unlike today. There was a willing market that saw benefit to owning property under the tramway. Not so for Robinwood neighbors near the WTF.

Of course, the answer for Robinwood residents is more time; time for working with afflicted property owners to work out a solution that will actually meet the intent of the code. The fact that the bond schedule does not accommodate for a proper planning process is not West Linn's or Robinwood's concern. This is why the submission of the pipeline application is a slap in the face to everyone afflicted. Nothing has changed since the application was 'suspended'.

The mitigation measures will need to be in rough proportionality to the harm inflicted onto Robinwood and Hwy 43 construction. Nexus also needs to be enforced. It took a long, long time, but eventually Portland got what it wanted when it honestly brokered discussions with the Lair Neighborhood. This is why my recommended \$4.9 million in mitigation is all, much too much, modest.

So, until the City Manager and council decide to work with the neighborhood in earnest mitigation discussions, the neighborhood is still going to get screwed. And that is why a mitigation attorney, as well as your planning consultant, need to be provided with a better scope, schedule, and budget. The City manager, and the city council, need to understand this.

In the end, the best solution is move the WTF to a site around or on the Marylhurst College site. The savings alone, in pile driving and concrete pilings, will offset the cost and achieve everyone's objectives.

That was the \$10 million from the feds. The \$3 million from Portland was what the NA chose as their benefit.

There were numerous other mitigations, regarding the design and construction. I will get on talking to a committee member when back from the ranch.

Here is swayback link to the website of those opposing the project:

<http://web.archive.org/web/20071012120949/http://notram.org/faq.htm>

The \$13 million Gibbs Street Pedestrian Bridge was the mitigation provided to the Lair Hill neighborhood in return for hosting the \$57 million Aerial Tram Project.

>

http://www.oregonlive.com/portland/index.ssf/2012/07/new_pedestrian_and_bicycle_bri.html

> http://en.wikipedia.org/wiki/Portland_Aerial_Tram

If you want to pull out the \$10 million from the feds, Portland paid 5.263% of the tram cost as a benefit project directly to affected neighborhood.

Same ratio applied to \$180 million LOTWP = \$9.5 million in neighborhood benefit.

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Thursday, July 12, 2012 11:21 PM
To: Pelz, Zach
Cc: lamontking@comcast.net; Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; DJheff1@gmail.com; Jordan, Chris; Sonnen, John; Kerr, Chris; Spir, Peter
Subject: Deny CUP 12-04_ CDC 60.070(A)(7) not satisfied_ Comprehensive Plan Amendment Process required

Follow Up Flag: Follow up
Flag Status: Flagged

As it turns out, the LO application makes mistakes with the West Linn 2008 Water System Master Plan; a linked component to the WL Comprehensive Plan.

The LO application fails on three separate misconceptions;

- 1.) The application fails to take the cumulative goals and actions of the comprehensive plan "in whole". Each application, separately, and together, fails to meet the whole of the WL Comprehensive Plan.
- 2.) The LO solution/benefit behind Emergency Water Supply in the application does not meet the concept of Emergency water needs as prescribed in the Water Master Plan. Essentially, the premise is BOTH lines of supply will be cut off under an emergency situation. The solution recommended is to complete the intertie and supply water from Portland through Tigard and into West Linn. The solution LO provides can only be accomplished through an amendment to the Comprehensive Plan; a different process involving the City of West Linn and the LCDC. (The application is incomplete until the comprehensive plan amendment process is completed.)
- 3.) West Linn's primary need as defined in the WSMP is emergency water supply and a RELIABLE storage system. The WSMP recommends accessing the water aquifer under Robinwood as the most economically viable option if the water can be located, wherein pumping that water into the system during an emergency lasting a period of 7 days, per the WSMP calculations. Given the massive amount of money being spent to support the weight of the reservoir over an existing underground water source(as documented by LOT), the plan could cost-effectively be achieved by LOT to provide the infrastructure of pipe and pump stations to satisfy the defined needs of the WSMP and meet the current WL Comprehensive Plan in full.

Providing for the overall needs of the community is only satisfied with number 3. The issues of non-compliance regarding the WTF are still unresolved and as such STILL do not satisfy CDC60.070(A) 3, 4, and 7.

Today is July 12, 2012. The application fails to satisfy this code. Why was the Comprehensive Plan and WSMP not addressed starting over a year ago when Jane Heisler announced they were here to work with Robinwood?(As it turns out, Jane proved a Reagan slogan. "We are the LO government and we are here to help!) LO needs to go home and restart by following Oregon Land Use regulations.

Deny CUP-12-04 and let's all enjoy our summer. Send LO back to the drawing boards.

Gary Hitesman

On Thu, Jul 12, 2012 at 1:27 PM, Pelz, Zach <ZPELZ@westlinnoregon.gov> wrote:

Mr. King,

I am available to meet:

- Monday, July 16
- Tuesday, July 17 (afternoon)
- Wednesday, July 18 (afternoon)
- Thursday, July 19 (afternoon)
- Tuesday, July 24 (after 11am)
- Wednesday, July 25

Please let me know which of these times work for you and your group and approximately how much time you expect this meeting to last. Also, It would be helpful for me if you would synthesize your questions/concerns into a comprehensive list so that I can complete any research necessary to respond to your questions.

Thank you,

Zach

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Thursday, July 12, 2012 2:26 PM
To: Pelz, Zach
Cc: lamontking@comcast.net; Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; DJheff1@gmail.com; Jordan, Chris; Sonnen, John; Kerr, Chris; Spir, Peter
Subject: For the Record ~ CUP-12-04/DR-12-0?

The response of the city manager, through an employee in this matter, describes the marginalization of citizen involvement that is consistently perpetuated by city staff and the city council. It is perhaps improper for a city employee to assume or psychoanalyze Mr. King's response as "being upset". What is galling is the assumption made by city staff that our participation would be a distraction! Mr. Jordan owes 'the public' an apology.

LUBA has the authority to remand or reverse a land use decision if a non-compliant "pattern" can be demonstrated substantially. Derision is a trait that did not serve LOTWP very well. It would be terribly troubling to see the City of West Linn continue the trend.

Gary Hitesman

PS. Pipelines have structures in residential areas. We may be approaching another Holiday Inn, folks.

On Thu, Jul 12, 2012 at 10:30 AM, Pelz, Zach <ZPELZ@westlinnoregon.gov> wrote:

Mr. King,

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Please feel free to call or email me to schedule a meeting.

Thank you,

Zach

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Best Regards,

Lamont King

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To: lamontking@comcast.net; Pelz, Zach
Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Newell, David; Smith Vicki; Shannon Vroman; Karie Oakes; Roberta Schwarz
Subject: CUP-12-04/DR-12-0? - The Hopeless WTF and FWP

12 July 2012

Zach, for the record,
Lamont, et al,

What is a "guidance"? Please find out what LOT means when they write "will submit a guidance".

Also, the narrative of the LOT report is more marketing; not planning. On page 2, it was written the pipeline is "a critical water supply lifeline of local" . . . How are the words "critical", "local", and "lifeline" justified? This document should be a objective, engineering-based description of the industrial facility and infrastructure they are putting into a residential zone. There is nothing critical about this discretionary project nor is this a lifeline. LO and Tigard will still exist with or without this conditional use into our city. The pipeline is about finances and increased capacity and should be judged on the merits of the project; not heart strings.

Also, I strongly recommend you get agreements from municipality department heads and the city manager if you are to obtain any 'real' dialogue. There needs to be a quantifiable scope, goals and objectives, an estimate of hours to complete, and resources appropriately allocated to fulfill the pledges of the council and hold the city manager accountable. I think the neighborhood association wants to be conservative in expending the limited resources of the city while liberally maintaining our substantial privileges afforded by land use policies and procedures.

The fact that we have a city planner cancelling out their previously-agreed-to meeting is not a good trend. Residents should be afforded the utmost respect in having this monstrosity explained and impacts mitigated. These consistent "blow-offs" are inexcusable and continue the poor precedents being established under this administration.

Looks like "*It's déjà vu* all over *again*". ` Yogi Berra

Gary

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From: Pelz, Zach
Sent: Thursday, July 12, 2012 1:48 PM
To: lamontking@comcast.net
Subject: RE: Meeting to discuss LOT
Attachments: image001.gif

You're welcome, and I'll look forward to hearing from you.

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Please feel free to call or email me to schedule a meeting.

Thank you,

Zach

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

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: lamontking@comcast.net [mailto:lamontking@comcast.net]

Sent: Thursday, July 12, 2012 9:07 AM

To: Pelz, Zach

Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Gary Hitesman; Newell, David; Smith Vicki; Shannon Vroman

Subject: Meeting to discuss LOT

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Best Regards,

Lamont King

Pelz, Zach

From: lamontking@comcast.net
Sent: Thursday, July 12, 2012 1:41 PM
To: Pelz, Zach
Subject: Re: Meeting to discuss LOT
Attachments: imagebb4774.gif@cc37eeef.e3eb4341; image001.gif

Thanks for the prompt reply! I have forwarded your email to the GNC and we will be in touch with you on a date.

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: lamontking@comcast.net
Cc: "Jody Carson" <jcarson@westlinnoregon.gov>, "Teri Cummings" <tcummings@westlinnoregon.gov>, "Michael Jones" <mjones@westlinnoregon.gov>, "John Kovash" <jkovash@westlinnoregon.gov>, "Jennifer Tan" <jtan@westlinnoregon.gov>, "Steve Blake" <noelblake@comcast.net>, "Stowell Bob" <Stowell5050@aol.com>, "Kevin Bryck" <RNAGNC@gmail.com>, "Gary Hitesman" <ghitesman@gmail.com>, "David Newell" <dnewell@alum.mit.edu>, "Smith Vicki" <patvicsmith@msn.com>, "Shannon Vroman" <shanonmv@comcast.net>, DJheff1@gmail.com, "Chris Jordan" <cjordan@westlinnoregon.gov>, "John Sonnen" <JSONNEN@westlinnoregon.gov>, "Chris Kerr" <ckerr@westlinnoregon.gov>, "Peter Spir" <Pspir@westlinnoregon.gov>
Sent: Thursday, July 12, 2012 1:27:08 PM
Subject: RE: Meeting to discuss LOT

Mr. King,

I am available to meet:

- Monday, July 16
- Tuesday, July 17 (afternoon)
- Wednesday, July 18 (afternoon)
- Thursday, July 19 (afternoon)
- Tuesday, July 24 (after 11am)
- Wednesday, July 25

Please let me know which of these times work for you and your group and approximately how much time you expect this meeting to last. Also, It would be helpful for me if you would synthesize your questions/concerns into a comprehensive list so that I can complete any research necessary to respond to your questions.

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Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Gary Hitesman; Newell, David; Smith Vicki; Shannon Vroman; DJheff1@gmail.com; Jordan, Chris; Sonnen, John; Kerr, Chris; Spir, Peter

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Have a good day!

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Sent: Thursday, July 12, 2012 10:30:36 AM
Subject: RE: Meeting to discuss LOT

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Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Gary Hitesman; Newell, David; Smith Vicki; Shannon Vroman; DJheff1@gmail.com; Jordan, Chris; Sonnen, John; Kerr, Chris; Spir, Peter
Subject: RE: Meeting to discuss LOT
Attachments: image001.gif

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Subject: Re: Meeting to discuss LOT
Attachments: image85eafb.gif@841820d6.b86d46b7

Follow Up Flag: Follow up
Flag Status: Completed

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Pelz, Zach

From: Walters, Rebecca [Rebecca.Walters@adp.com]
Sent: Thursday, July 12, 2012 11:23 AM
To: Pelz, Zach; Wyatt, Kirsten; gregmckenzie@att.net
Subject: FW: Cancellation notice: July 11 RNA Conversation
Attachments: imageaac697.gif@ea4f4899.a8494bf9

Mr. Pelz, Ms. Wyatt and Mr. McKenzie:

I did not get the below email and several neighbors went to the meeting that was cancelled last evening. Thanks for posting a sign on the door that it was cancelled. Would you please, in the future, include my email address on any communication because I am the "communicator" and send these out to everyone.

Mr. McKenzie, what is lacking in the below email is the time of the next meeting. Would you please send that information to me so I can send that out to all of my aliases? No hurry since it is not that close to the July 25th date.

Thanks in advance for your support,

Rebecca Walters

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "A. Gregory McKenzie" <gregmckenzie@att.net>, "Chris Jordan" <cjordan@westlinnoregon.gov>
Sent: Tuesday, July 3, 2012 3:37:47 PM
Subject: Cancellation notice: July 11 RNA Conversation

CANCELLATION NOTICE: JULY 11 RNA CONVERSATION

Dear RNA Neighbors and Interested Parties:

The RNA Conversation on the Lake Oswego/Tigard Water Partnership Project scheduled for July 11, 2012 has been cancelled. The next scheduled meeting is **July 25 at the West Linn Lutheran Church, 20390 Willamette Drive - Downstairs Meeting Room.**

Facilitator Greg McKenzie requested the cancellation of the meeting on the 11th as he continues to work with interested parties and make progress addressing neighborhood concerns.

Thank you.

 Zach Pelz, AICP
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Associate Planner
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Web: westlinnoregon.gov

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From: Pelz, Zach
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To: lamontking@comcast.net
Cc: Carson, Jody; Cummings, Teri; Jones, Michael; Kovash, John; Tan, Jennifer; Steve Blake; Stowell Bob; Kevin Bryck; Gary Hitesman; Newell, David; Smith Vicki; Shannon Vroman; DJheff1@gmail.com; Jordan, Chris; Sonnen, John; Kerr, Chris; Spir, Peter
Subject: RE: Meeting to discuss LOT

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Follow Up Flag: Follow up
Flag Status: Completed

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Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Wednesday, July 11, 2012 4:43 PM
To: Pelz, Zach; RNA Great Neighbor Committee
Subject: CUP-12-04_CUP12-03-DR-12-04

Mr. Associate City Planner Zach Pelz,

Page 4 of the WL RWP application CUP-12-04 contains this proviso;

In July 2012, the Partnership will submit a guidance that integrates and discusses the significant elements of both the WTP and the RWP/FWP.

I suggest the application cannot be deemed complete until citizens have an opportunity to review the changes and new significant elements of the WTP after "guidance" has been submitted. I also believe it would be a waste of city resources to begin your review without mentioned "guidance" included up front.

It also appears that much of the earlier criteria under CUP-12-03/DR-12-04 drops off the radar of consideration when it comes to your review and the PC's.

When will citizens be allowed to see an application in it's entirety?

I'm seeking clarity, consistency, and coordination as defined and provided under ORS 197. Can anyone explain the process?

"It's déjà vu all over again".` Yogi Berra

Gary Hitesman



Councilor Michael Jones
mjones@westlinnoregon.gov
West Linn City Councilor
22500 Salamo Rd
West Linn, Oregon 97068
P: (503) 657-0331
F:
Web:

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From: lamontking@comcast.net [lamontking@comcast.net]
Sent: Thursday, July 05, 2012 3:28 PM
To: Jones, Michael
Subject: Re: LOT

Hi Mike,

An article in the West Linn Tidings dated March 28, 2012 covers Chris Kerr's appointment to his new economic development position. In it, Lori Hall cites Chris's past experience in planning:

Kerr joined the city of West Linn in 2007. During his employment, he has served as the interim planning director and interim assistant city manager. He brings more than 12 years of private and public sector experience, including work as a planning project manager on numerous commercial, mixed use and redevelopment projects.

There is nothing in here that cites or even suggests "extensive Heavy Industrial experience". I would appreciate you bringing this up with Chris and find out who provided West Linn Planning with the experience necessary to review a \$250 million dollar major industrial facility. This review encompasses more than just looking at codes, it requires someone who understands the impact it will have on our community and assess whether it provides an "overwhelming benefit" to our city to offset the tremendous impact it will have on our citizens.

Thank you,

Lamont

From: "Michael Jones" <mjones@westlinnoregon.gov>
To: lamontking@comcast.net
Sent: Wednesday, July 4, 2012 12:29:28 PM
Subject: RE: LOT

Lamont-

Just wanted to follow-up. I did get ahold of Chris Kerr yesterday and he confirmed that he has had extensive Heavy Industrial experience. While he is not in the planning department now he was the lead planner on this project and is available for consultation if needed.

All best-Mike

mjones@westlinnoregon.gov
503.344.4683

Our goal is always to do the best job possible reviewing land use applications. In the past we have often hired consultants to assist us if we don't have the requisite experience or expertise on staff to review certain components of an application. To date, that has not been necessary with the pending application but if we need to hire assistance in the future, we will do so.

Chris Jordan

 Chris Jordan
ciordan@westlinnoregon.gov
City Manager
22500 Salamo Rd
West Linn, Oregon 97068
P: (503) 657-0331
F: (503) 650-9041
Web: 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: lamontking@comcast.net [<mailto:lamontking@comcast.net>]

Sent: Friday, June 22, 2012 9:34 AM

To: Jordan, Chris

Cc: Kovash, John; Jones, Michael

Subject: LOT

Good Morning Chris,

The council mentioned adding funds to allow us to retain our independent planner. What dollar figure are you amenable to? I am trying to come up with a figure for the next council meeting that includes the scope of the project. I mentioned at the last council work session that there was concern in our community regarding the possible lack of major industrial experience in our current planning staff. Could you let me know how much of this experience we have in our current staff and have they ever been responsible for the review of a industrial project that will exceed \$250,000,000.

Thank you for your assistance!

Lamont

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, July 04, 2012 11:13 AM
To: Pelz, Zach
Subject: FW: Robinhood Water Issue
Attachments: imageac9d6b.gif@8f9a6bb2.5c7c4b44

John Sonnen, Planning Director
Planning and Building, #1524

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From: Tan, Jennifer
Sent: Wednesday, July 04, 2012 5:14 AM
To: Baf813@comcast.net
Cc: Sonnen, John; City Council
Subject: RE: Robinhood Water Issue

Dear Norm,

Thank you for your message. During this past Monday's work session, the Council directed staff to provide additional funds to the Robinwood Neighborhood Association for a planning consultant to assist residents with code issues related to LOT application. Additionally, the Council directed staff to look into hiring a negotiator to discuss mitigation and compensation options with LOT for the residents and City.

I have copied our planning department head, City Manager, and the other Council members on my response as the LOT pipeline was just submitted July 3, and I am required to disclose this as ex-parte contact.

Thank you Norm.
Warm regards,
Jenni Tan

 Councilor Jennifer Tan
jtan@westlinnoregon.gov
West Linn City Councilor
22500 Salamo Rd
West Linn, OR 97068
P: (503) 657-0331
F: (503) 650-9041
Web: westlinnoregon.gov

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From: Baf813@comcast.net [Baf813@comcast.net]
Sent: Monday, June 25, 2012 5:57 PM
To: Tan, Jennifer
Subject: Robinhood Water Issue

It is wrong, you and I are W.L. residents, tax payers first. Please take this issue to heart for all of us. This is a sell-out at our expense. It is a joke. Please do not turn a deaf ear over this present issue.
Norm Fetzer

Pelz, Zach

From: lamontking@comcast.net
Sent: Tuesday, July 03, 2012 10:39 PM
To: A. Gregory McKenzie
Cc: Wyatt, Kirsten; Jordan, Chris; Pelz, Zach
Subject: Re: Cancellation notice: July 11 RNA Conversation
Attachments: imageaac697.gif@ea4f4899.a8494bf9

Thanks for clarifying this.

Lamont

From: "A. Gregory McKenzie" <gregmckenzie@att.net>
To: lamontking@comcast.net, "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "Chris Jordan" <cjordan@westlinnoregon.gov>, "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Sent: Tuesday, July 3, 2012 9:08:41 PM
Subject: Re: Cancellation notice: July 11 RNA Conversation

Nothing "happened." I simply haven't had a chance to talk with all the people I need to talk with. Nothing more, nothing less. Reporting with only a portion of the information needed to give the neighborhood a meaningful response is not productive. I called off the meeting which was only a "save the date," and asked WL staff to let people know, because I knew the neighbors would want to know if we were meeting or not on 7/11. - Greg Mck.

From: "lamontking@comcast.net" <lamontking@comcast.net>
To: Zach Pelz <ZPELZ@westlinnoregon.gov>
Cc: Kirsten Wyatt <kwyatt@westlinnoregon.gov>; A. Gregory McKenzie <gregmckenzie@att.net>; Chris Jordan <cjordan@westlinnoregon.gov>; Zach Pelz <ZPELZ@westlinnoregon.gov>
Sent: Tue, July 3, 2012 8:46:16 PM
Subject: Re: Cancellation notice: July 11 RNA Conversation

Hi Zach,

Why was it cancelled? We are on a tight timeline with this process and I believe we deserve to know what happened.

Thanks,

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "A. Gregory McKenzie" <gregmckenzie@att.net>, "Chris Jordan" <cjordan@westlinnoregon.gov>
Sent: Tuesday, July 3, 2012 3:37:47 PM
Subject: Cancellation notice: July 11 RNA Conversation

CANCELLATION NOTICE: JULY 11 RNA CONVERSATION

Dear RNA Neighbors and Interested Parties:

The RNA Conversation on the Lake Oswego/Tigard Water Partnership Project scheduled for July 11, 2012 has been cancelled. The next scheduled meeting is **July 25 at the West Linn Lutheran Church, 20390 Willamette Drive - Downstairs Meeting Room.**

Facilitator Greg McKenzie requested the cancellation of the meeting on the 11th as he continues to work with interested parties and make progress addressing neighborhood concerns.

Thank you.

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

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Pelz, Zach

From: A. Gregory McKenzie [gregmckenzie@att.net]
Sent: Tuesday, July 03, 2012 9:09 PM
To: lamontking@comcast.net; Pelz, Zach
Cc: Wyatt, Kirsten; Jordan, Chris; Pelz, Zach
Subject: Re: Cancellation notice: July 11 RNA Conversation
Attachments: imageaac697.gif@ea4f4899.a8494bf9

Nothing "happened." I simply haven't had a chance to talk with all the people I need to talk with. Nothing more, nothing less. Reporting with only a portion of the information needed to give the neighborhood a meaningful response is not productive. I called off the meeting which was only a "save the date," and asked WL staff to let people know, because I knew the neighbors would want to know if we were meeting or not on 7/11. - Greg McK.

From: "lamontking@comcast.net" <lamontking@comcast.net>
To: Zach Pelz <ZPELZ@westlinnoregon.gov>
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Lamont

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To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "A. Gregory McKenzie" <gregmckenzie@att.net>, "Chris Jordan" <cjordan@westlinnoregon.gov>
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Thank you.

Pelz, Zach

From: lamontking@comcast.net
Sent: Tuesday, July 03, 2012 8:46 PM
To: Pelz, Zach
Cc: Wyatt, Kirsten; A. Gregory McKenzie; Jordan, Chris; Pelz, Zach
Subject: Re: Cancellation notice: July 11 RNA Conversation
Attachments: imageaac697.gif@ea4f4899.a8494bf9

Hi Zach,

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Thanks,

Lamont

From: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
To: "Zach Pelz" <ZPELZ@westlinnoregon.gov>
Cc: "Kirsten Wyatt" <kwyatt@westlinnoregon.gov>, "A. Gregory McKenzie" <gregmckenzie@att.net>, "Chris Jordan" <cjordan@westlinnoregon.gov>
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Thank you.

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Associate Planner
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Web: westlinnoregon.gov

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Pelz, Zach

From: Pelz, Zach
Sent: Tuesday, July 03, 2012 8:54 AM
To: Walters, Rebecca; Spir, Peter
Cc: Jenne Henderson (hendersonjj@comcast.net)
Subject: RE: Pipeline application

Good morning, Ms. Walters -

Lake Oswego's pre-application conference for the pipeline proposal actually took place on January 5, 2012; they submitted a formal application for this proposal on July 2, 2012. The pre-application conference requirements have been satisfied for both the water treatment plant and pipeline proposals.

The public hearing regarding the water treatment plant proposal has been put on hold to allow the review of the pipeline to catch up, so that both proposals may be heard at the same time. Between now and August 2, the City will review the applicant's submittal to determine if all necessary information was included and will work with the applicant to get any additional information necessary to complete our review. After August 2, the City will begin reviewing the proposal in light of applicable Community Development Code criteria. This review is the staff report that will be submitted to the Planning Commission and available to the public 10 days prior to the first public hearing.

Thank you,

Zach

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

From: Walters, Rebecca [mailto:Rebecca.Walters@adp.com]
Sent: Tuesday, July 03, 2012 8:17 AM
To: Pelz, Zach; Spir, Peter
Cc: Jenne Henderson (hendersonjj@comcast.net)
Subject: FW: Pipeline application

Mr. Pelz and Mr. Spir:

I would like to ask about the July 2, 2012 submitted pre-application for the conditional use permit for the water transmission pipeline to the water treatment plant and onto Lake Oswego. At the end of the conditional use permit hearings for the water treatment plant in May, Lake Oswego asked to have that put on hold and they stated that they would be combining the applications for both pipeline and the water treatment plant for a conditional use permit. Is Lake Oswego and Tigard going to submit a pre-applications for both of these or will these be separate? Please explain.

<http://westlinnoregon.gov/planning/construct-water-pipeline-mary-s-young-park-lake-oswego-water-treatment-plant-kenthorpe-way->

Thanks in advance for your time.

Rebecca Walters

Pelz, Zach

From: chuck landskronercrm [chucklandskronercrm@hotmail.com]
Sent: Wednesday, June 27, 2012 12:07 PM
To: Wyatt, Kirsten; Pelz, Zach
Cc: Spir, Peter; Jane Heisler; 'A. Gregory McKenzie'
Subject: Re: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project
Attachments: image90a9a4.gif@c4b2ed12.6bb4444b; image001.gif

Thank you for the note. I will look forward to meeting A. Gregory McKenzie at the meeting.

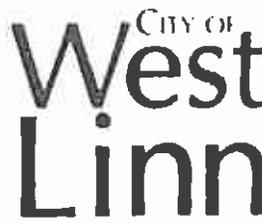
From: Wyatt, Kirsten
Sent: Tuesday, June 26, 2012 2:00 PM
To: 'chuck landskronercrm'; Pelz, Zach
Cc: Spir, Peter; Jane Heisler; 'A. Gregory McKenzie'
Subject: RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Hi Mr. Landskroner –

Mr. McKenzie has been hired by the City of West Linn to facilitate meetings between West Linn citizens and the LOT Partnership. Mr. McKenzie has a long history in West Linn, including most recently conducting the five “listening tour” meetings for the City Council in fall 2011. I have courtesy-copied Mr. McKenzie on this email if you would like to get in touch with him in advance of Wednesday’s meeting.

Thanks,

Kirsten

 Kirsten Wyatt
kwyatt@westlinnoregon.gov
Assistant City Manager
22500 Salamo Rd
West Linn, OR 97068
P: (503) 722-3428
F: (503) 650-9041
Web: westlinnoregon.gov

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From: chuck landskronercrm [mailto:chucklandskronercrm@hotmail.com]
Sent: Tuesday, June 26, 2012 11:20 AM
To: Pelz, Zach
Cc: Spir, Peter; Wyatt, Kirsten; Jane Heisler
Subject: Re: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Who is Greg McKenzie???

From: Pelz, Zach
Sent: Monday, June 25, 2012 2:06 PM
To: Pelz, Zach
Cc: Spir, Peter; Wyatt, Kirsten; Jane Heisler

Subject: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Good morning,

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We look forward to seeing you there,

Zach

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Pelz, Zach

From: chuck landskronercrm [chucklandskronercrm@hotmail.com]
Sent: Wednesday, June 27, 2012 11:36 AM
To: Pelz, Zach
Subject: Re: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project
Attachments: image004.jpg; image849084.gif@8987f60b.d73c412d; image003.gif

Ok.....thank you.

From: Pelz, Zach
Sent: Wednesday, June 27, 2012 11:23 AM
To: chuck landskronercrm
Subject: RE: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

No, it's just south of Mary S. Young Park, in the location shown on the map below:





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

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From: chuck landskronercrm [mailto:chucklandskronercrm@hotmail.com]
Sent: Wednesday, June 27, 2012 11:29 AM
To: Pelz, Zach
Subject: Re: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Is this across the street from Robinwood Shopping Center?

From: Pelz, Zach
Sent: Tuesday, June 26, 2012 4:15 PM
To: Pelz, Zach
Cc: Spir, Peter ; Wyatt, Kirsten ; Jane Heisler
Subject: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Please accept our apologies for an incorrect address that went out in yesterday's notice of the RNA Conversation on the Lake Oswego/Tigard Water Partnership meeting. The correct address is **20390 Willamette Drive (Highway 43)**. Please feel free to contact me with questions or directions.

Have a great evening,

Zach



Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
Associate Planner
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We look forward to seeing you there,

Zach

Pelz, Zach

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Sent: Wednesday, June 27, 2012 11:29 AM
To: Pelz, Zach
Subject: Re: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project
Attachments: image92ed6d.gif@f9089170.f4df4230

Is this across the street from Robinwood Shopping Center?

From: [Pelz, Zach](#)
Sent: Tuesday, June 26, 2012 4:15 PM
To: [Pelz, Zach](#)
Cc: [Spir, Peter](#) ; [Wyatt, Kirsten](#) ; [Jane Heisler](#)
Subject: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

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Have a great evening,

Zach

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From: Pelz, Zach
Sent: Monday, June 25, 2012 2:07 PM
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Cc: Spir, Peter; Wyatt, Kirsten; Jane Heisler
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We look forward to seeing you there,

Zach

Pelz, Zach

From: Pelz, Zach
Sent: Tuesday, June 26, 2012 4:16 PM
To: Pelz, Zach
Cc: Spir, Peter; Wyatt, Kirsten; Jane Heisler
Subject: Correction! RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Importance: High

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Have a great evening,

Zach

Zach Pelz, Associate Planner
Planning and Building, #1542

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Zach

Pelz, Zach

From: Wyatt, Kirsten
Sent: Tuesday, June 26, 2012 2:01 PM
To: 'chuck landskronercrm'; Pelz, Zach
Cc: Spir, Peter; Jane Heisler; 'A. Gregory McKenzie'
Subject: RE: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project
Attachments: image001.gif

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Thanks,

Kirsten

Kirsten Wyatt, Assistant City Manager
Administration, #1428

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Sent: Tuesday, June 26, 2012 11:20 AM
To: Pelz, Zach
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Subject: Re: Save the date: June 27, 2012 - RNA Conversation on the Lake Oswego/Tigard Water Partnership Project

Who is Greg McKenzie???

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Attachments: image826754.gif@82cf8a9c.85a64dde

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Pelz, Zach

From: GARY [hitesman@q.com]
Sent: Tuesday, May 22, 2012 9:51 PM
To: CWL Planning Commission; Sonnen, John; Pelz, Zach
Cc: RNA Great Neighbor Committee
Subject: CUP 12-03?? (and 12-02) - Mitigation measures of the WTP and pipeline

Zach, Please put this into the future record of the pipeline to be submitted sometime to the city in late June.
--- Original Message ----

Sent: Tuesday, May 22, 2012 9:34 PM
Subject: Voyage of the Damned

I attended the LOTWP project update meeting presented to Tigard and LO councilors. It appears that one of two outcomes are very likely to occur. Either the "planning code" gets thrown out the window (including the mitigation plan), or the project goes over budget and over schedule.

Given the rate schedule and the political capital expended to date, the plant is what the plant will be. Joel has staked his reputation on maintaining the schedule and the budget projections and is already catching flack for the 9% increase in cost. So, the WTP ain't changing in any way other than maybe smaller footprints and using cheaper materials. (Samples of which, by the way, were left with the city but never publically presented.) And since the plant does not meet code, that will not matter. THE SHOW MUST GO ON. Both the PC and the council will eventually be forced to approve the project based on the recommendations of staff.

As I see it, the worst impacts of the WTP are 1.) no overall community benefit, 2.) Non compliance with chapter 55, 3.) light pollution and visual pollution on portions of Kenthorpe, and 4.) a massive structure just over the length of a football field visible from Mapleton. There are other infractions that will occur that will be disturbing to others in varying degrees across the neighborhood.

One factor supporting my claim is the "engineer estimated cost-to-complete at 30% design". The Partnership factored in 15 to 25% contingency and the WTP is already 30% more costly due to the added pilings and the "compact design". This fact is underscored by the attorneys memo stating any further mitigation will involve construction only. Costs are only going up and mitigation with neighbors will only create added costs.

The project has been "wysiwyg-ed." (What you see is what you get. Or in this case, what you haven't seen you are going to get too. Or not get. We will never know.)

Another reason the council will inevitably pass the application is because the review work is so shoddy, that denying the project after the applicant elected to delay the project will open up liability claims and the deliberate wordsmithing and misrepresentations of the Planning Department will expose the city to years of costly litigation. If the council agrees with me that the application does not meet code, than it disagrees with staff. And since Chris is in charge of the whole process and he has them hiding behind the Beery memo, it could be claimed by the Partnership that West Linn was negligent. (And if the engineers in the partnership are not successful, I think the egos in the partnership will be forced to go after West Linn as the culprit.)

Since I don't think it will ever be allowed to get to that, the Planning regulations and code book will be tossed out the window. Joel and Jane are boxed in and will have a very difficult task ahead keeping this project on schedule and on budget. Anything we have to say is no longer adding to their success. Besides, the planning process in West Linn provided unknown challenges that contributed to their overruns already, or so they claim. (This by the way, is a complaint on the residents and members of the GNC. Remember, they praised the city staff before. So the unforeseen complications and overruns are partly our collective fault.) They are dug in and will stonewall from here on out.

Given the cost overruns that they project for the pipeline, I also think any mitigation of streets is also, highly unlikely.

If I were a resident, I'd want to confirm the commitments of the partnership sooner, rather than later. They will interpret silence as compliance and consent.

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

Thank you for your time and consideration.

Gary